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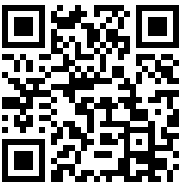

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# Parliamentary History.

## VOL. XXIII.

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THE

# Parliamentary History

OF

# ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

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VOL. XXIII.

COMPRISING THE PERIOD

FROM THE TENTH OF MAY 1782, TO THE FIRST OF DECEMBER 1783.

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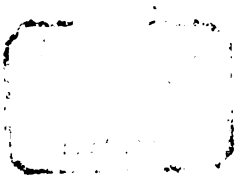

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| 1783. | - - - - - - - - - - - - - ..... | John Moore. |
| 1776. | - - - - - - - - York ..... | William Markham. |

### Bishops.

| | | |
|---|---|---|
| 1769. | Bishop of St. Asaph ..... | Jonathan Shipley. |
| 1774. | - - - - - Bangor..... | John Moore. |
| 1783. | - - - - - - - - - - ..... | John Warren. |
| 1774. | - - - - - Bath and Wells ..... | Charles Moss. |
| 1782. | - - - - - Bristol..... | Lewis Bagot. |
| 1754. | - - - - - Chichester ..... . | Sir William Ashburnham, bart. |
| 1774. | - - - - - Coventry and Litchfield | Richard Hurd. |
| 1779. | - - - - - St. David's ..... | John Warren. |
| 1783. | - - - - - - - - - - - ..... | Edward Smallwell. |
| 1781. | - - - - - Ely ..... | Hon. James Yorke. |
| 1778. | - - - - - Exeter..... | John Ross. |
| 1781. | - - - - - Gloucester ..... | Samuel Halifax. |
| 1746. | - - - - - Hereford..... | Lord James Beauclerk. |
| 1769. | - - - - - Landaff ..... | Shute Barrington. |
| 1782. | - - - - - - - - - ..... | Richard Watson. |
| 1779. | - - - - - Lincoln ..... | Thomas Thurlow. |
| 1777. | - - - - - London ..... | Robert Lowth. |
| 1761. | - - - - - Norwich ..... | Philip Yonge. |
| 1777. | - - - - - Oxford..... | John Butler. |
| 1769. | - - - - - Peterborough ..... | John Hinchcliffe. |
| 1774. | - - - - - Rochester ..... | John Thomas. |
| 1766. | - - - - - Salisbury..... | John Hume. |
| 1782. | - - - - - - - - - - ..... | Hon. Shute Barrington. |
| 1781. | - - - - - Winchester ..... | Brownlow North. |
| 1781. | - - - - - Worcester ..... | Richard Hurd. |
| 1768. | - - - - - Carlisle ..... | Edmund Law. |
| 1776. | - - - - - Chester ..... | Beilby Porteus. |
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| | | |
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| 1782. | Feb. 24. | Welbore Ellis, esq. (afterwards Lord Mendip) Colonies. |
| | Mar. 27. | William, Earl of Shelburne, vice Lord Stormont. |
| | | Hon. Charles James Fox, vice Lord Hillsborough. |
| | July 13. | Thomas Townshend, esq., vice Mr. Fox. |
| | | Thomas, Lord Grantham, vice Lord Shelburne. |
| 1783. | April 2. | Frederick, Lord North, vice Lord Grantham. |
| | | Hon. Charles James Fox, vice Mr. Townshend. |

### Speaker of the House of Commons.

| | | |
|---|---|---|
| 1780. | Oct. 31. | Charles Wolfran Cornwall, esq. |

### Commissioners for executing the Office of Lord High Treasurer of England.

| | | |
|---|---|---|
| 1782. | Mar. 27. | Charles, Marquis of Rockingham. |
| | | Lord John Cavendish, Chancellor of the Exchequer. |
| | | George John, Viscount Althorpe. |
| | | James Grenville, esq. |
| | | Frederick Montague, esq. |
| | July 13. | William, Earl of Shelburne. |
| | | Hon. William Pitt, Chancellor of the Exchequer. |
| | | James Grenville, esq. |
| | | Richard Jackson, esq. |
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| 1783. | April 5. | William Henry, Duke of Portland. |
| | | Lord John Cavendish, Chancellor of the Exchequer. |
| | | Charles, Earl of Surrey. |
| | | Frederick Montagu, esq. |
| | | Sir Grey Cooper, bart. |

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| | | |
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| | | |
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| | | |
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| 1782. | Apr. 20. | John Lee, esq. |
| | July 20. | Richard Pepper Arden, esq. |
| 1780. | Nov. 18. | James Mansfield, esq. |

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| | |
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# Parliamentary History.

## 22 GEORGE THE THIRD, A. D. 1782.

### SECOND SESSION OF THE FIFTEENTH PARLIAMENT OF GREAT BRITAIN.

[*Continued from Vol. XXII.*]

*DEBATE in the Commons on the Earl of Shelburne's Plan for Arming the People.*] May 10. Mr. *D. P. Coke* rose, with a newspaper in his hand, and said, he saw in that paper the copy of a letter from the earl of Shelburne, by which it was intended to put arms into the hands of the people. This was a measure so truly alarming in the eyes of some men, that he must beg leave to say, that his Majesty's ministers ought to have come before parliament, and have told them what was the nature of the alarm, which gave rise to the extraordinary step. His Majesty's ministers ought to remember what was the consequence of putting arms into the hands of the Irish volunteers, the reason of which was to defend their country against an invasion. It might be dangerous to the liberties of the country; and therefore it was, that he should take the liberty of moving, that that letter be laid upon the table. He was given to understand, that the Dutch fleet had no troops on board; he hoped, therefore, that our present ministers, who had been called to their situation by the voice of the people, would not take any steps that would endanger their liberties. He begged them to think what might have been the consequence if that mob, which came to the doors of parliament two years ago, had had arms in their hands. When the paper came before the House, he hoped that a complete account would be given of the reasons upon which they had acted in this business, without coming to take the sense of the parliament. He then moved, "That there be laid before this House, a copy of a Circular Letter from the earl of Shelburne, one of his Majesty's principal Secretaries of State, to the Lord Mayor of London, and other magistrates and officers, dated the 7th of May 1782; together with the Heads of a Plan therein inclosed."

Mr. Secretary *Fox* said, that he was by no means displeased with the motion which the hon. gentleman had made; nor would he object to the production of the papers for which he had asked. The letter written by the earl of Shelburne to the magistrates of the principal cities of the kingdom, had been done upon the most deliberate consideration, and upon grounds of just and solid jealousy. To arm the people of England upon some proper and regular plan, by which a considerable strength could be added to the present force of this country, and to do this by the consent, and with the concurrence of the people themselves, was the measure which his Majesty's ministers had in view; and, in his humble idea, it was a measure of the most important concern in the present critical and urgent state of our affairs. He had, some time ago, thown out a hint, that the situation of this country, with respect to her enemies, was alarming, and was in fact so weak, and so inferior, that a retrospective enquiry should be made, in order to discover by what shameful inattention his Majesty's late ministers had suffered this country so to fall to decay, and also to serve as a reason for the measures which his Majesty's present servants would be under the necessity of taking, for the purpose of putting this country into some more respectable state of de-



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fence. When he had said this, he had added, that measures might be taken of an extraordinary nature, rather harsh, and which might disturb the country. This was one of those measures: but did they mean by this to destroy the liberties of the country? Could any man believe, that they meant, or wished to take any steps that should, in the most distant degree, give cause of alarm to the people, or induce them to imagine that his Majesty's ministers had any other view than to strengthen their hands against our numerous enemies?

If upon enquiry into the state of our strength, with relation to that of the enemy, it should be seen that we were dreadfully inferior to them in every thing; in our marine inferior, as one is to four in the number of our ships; and in the army so much inferior to them, that we were hardly able to meet them in any corner of the world: In such a case, would it not be acknowledged that the country had occasion for alarm, and that they ought to take this, or some such step, to strengthen the hands of the country, and make such preparations as were in their power for the contingencies of the war? It was considered by his Majesty's ministers, as the most advisable measure, to give arms to the people upon a constitutional plan, by which they would be able to defend their own properties, and be taught to know, that the situation of the country was arduous, and that we must be active, spirited, and determined in our measures. They had been too long kept in the dark, and blinded with respect to their situation. The ministers had not dared to look their situation in the face, and they had studiously concealed it from their country. This was unpardonable; for he trusted that there was an energy in English spirit, which when aroused would act with manful and successful decision. It was of all others the most becoming, and the most constitutional mode of defence, to give arms to the people upon a plan of association agreeable to themselves. This was the design of his Majesty's ministers in the present instance. The letter of the earl of Shelburne was only an invitation. It projected the means of defence. It begged of the different towns and cities to advise with his Majesty's ministers, and to inform them upon what plan they could best form themselves into an association for the defence of their common rights and properties.

The hon. gentleman had talked about the Irish associations, and the consequences that had ensued from giving arms to them. In answer to this he must beg leave to say, that from the conduct of the Irish associations, the people of this country might learn a great and a laudable example of public virtue, activity, and perseverance. The Irish volunteers had acted upon points, on which men might be allowed to differ, speculative points, or grievances which all did not feel, if any did, and which certainly could not come home to the feelings nor to the agreement of all; if they, upon such points of abstract policy, have acted with so much constancy, so much activity, and so much union; if they have been heedless of expence; if they have persevered for so long a period, surely the people of England, in a cause of so different a kind, in which there could not possibly be a varying sentiment, if they did not display equal animation and earnestness, his ideas of British spirit, and the British character, were erroneous. But he was confident that they would emulate their fellow citizens of the sister kingdom; and as they had to contend in the present struggle for all that was precious in life; for the vines under which they sat; for the liberties which they venerated; and for the relatives which they loved. When they had to contend, in short, for the independence of Britain, they would no doubt imitate the example which their brethren in Ireland had so worthily set them, and associate for the purposes of deliverance and glory. What was the direct intention that his Majesty's ministers had in view from this measure; but that by giving this species of defence to Britain, they might have it in their power to employ the more active force of the country, he meant the regular force, and which was more active, because it was ready to go upon the several occasions of the state, in services of importance; that they might be able to attack the enemies of the country where attacks were advisable, and at least to defend the few remaining possessions of Britain in the different quarters of the world. But the letter of the earl of Shelburne had given alarm, it seemed, to the hon. gentleman, as arming the people might be injurious to liberty. For his part, if he had the most distant idea of such a danger, he would be the last man to consent to such a measure; but how could this possibly be the case? Were we afraid of putting arms

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into the hands of the people of England? God forbid! they were a brave people; but not more distinguished for courage than for loyalty: it was their characteristic; and they were the most loyal people in the universe. He would trust arms in their hands for the purpose of repelling the attacks of their enemies; he would be happy to see them spending an hour every day, and more upon Sundays and holidays, in acquiring the use of arms, and making themselves capable of acting with effect whenever an occasion of danger should call upon them. It was the opinion of the hon. gentleman, that if the people had been armed when there was a riot in London, that riot would have been more dangerous; so different was this opinion from his own, that he sincerely believed it was the utter want of defence in the city of London which gave a loose to, and encouraged those riots. He concluded with declaring the necessity that there was for such a measure as the present, and saying, that his Majesty's ministers would certainly come to parliament for advice and assistance in every measure that should require their aid. At present this was only an invitation, and the plan was not ripe to be laid before the House.

Mr. *Dundas* said, that he very much approved of the step which government had taken in the present crisis for adding to the strength of the country; and he was happy to see that they had done it without coming to parliament for advice in the first instance. Measures of vigour and efficacy depended upon the alacrity with which they were pursued. By coming to parliament in the first instance, and submitting their crude ideas on subjects of national operation, was the true and most effectual mode of frittering away and diminishing the virtue of the plan, whatever it might be. The government which we thought deserved confidence ought to have the primary power of framing measures, and parliament be content with the power of controuling and of checking them, when they thought they were wrong. It was a good plan to arm the people. He was convinced there was a spirit in the people which would defend themselves if allowed to act. Along the coast of Scotland there were a number of towns all open to the enemy, and which a single privateer might abolish; Aberdeen, Air, and other places, sensible of their danger, had shewn the disposition to defend themselves, and they wanted nothing but the countenance of government to do it with effect.

Lord *Maitland* said, that a noble friend of his (the marquis of Graham) intended to move for a militia in Scotland, a measure which he hoped, in the present critical situation of public affairs, would meet the general concurrence of parliament.

Mr. *Rigby* warmly approved of the measure which his Majesty's ministers had taken; it was a wise, seasonable step: and to all such measures for strengthening the kingdom, and for acting with vigour against the enemy, he should give them his most hearty support. He took the first moment to say this, because he had been forced to oppose a matter of abstract policy, in all which questions he should beg leave to retain his old opinions, and his old principles. The only objection which he had to the present step, was, that it would be attended with too much delay. It would not be easy to collect the opinions of so many towns, and he was afraid that volunteering would not be a very productive measure.

General *Conway* felt, that on the present occasion, it was expected he should say something. The state of the army and militia was such, as it would not be prudent in him to describe; but it was well known to him, that both were alarmingly deficient in effectives. How to raise a sufficient number of men for the defence of the country was the question: it had been suggested by some to take parish-men, or so many men from every parish; but such men would pass away like shadows; for as they would be, no doubt, the scum of every parish, so they would desert at the first opportunity; and in the present critical posture of affairs, it was not an army of deserters that was wanted. Others had suggested the idea of doubling the militia; but such a measure must be attended with compulsion, and heavy expence. The towns were no longer able to recruit the regulars; he should be glad if some of the militia would enter into the regulars; he should be happy to receive them; but he had not an idea of compelling them to take such a step. Some gentlemen might be apprehensive of bad consequences from putting arms into the hands of the people; but nothing could astonish him more, than that an alarm for the liberties of the people should be occasioned by such a measure. An excess of liberty, perhaps, might be apprehended; but he

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could not conceive how danger to liberty could be apprehended. Arms in the hands of the people would be exercised for the good of the whole; and if any partial danger should be threatened, it would soon be prevented by a majority of the people. When a riotous mob had beset that House two years ago, and committed such violent excesses, they would have been dispersed in a moment, if the inhabitants of London and Westminster had been armed. The cases of such associations as government proposed, and of the Irish volunteers, were by no means similar; the latter were discontented, and justly discontented with their government; but the people of England were at present almost one and all with government, in the members of which they reposed the greatest confidence. In a word, the measure proposed was necessary; he did not believe there was a military man in the kingdom, who would venture to say that of the force actually in the country, he could make such a partition as should enable him to cover the different places which were liable to attacks, and some of which must be successfully defended, or the nation would be ruined; for his part, he could make no such partition; and if he could, he would say that measures merely defensive on the part of England, would never bring our numerous enemies to think of peace; he looked for such assistance from the plan before the House, as would enable the King to send troops out of the kingdom to act offensively against the enemy.

Lord *Beauchamp* said, that by a law which he had the honour to introduce into parliament, for raising additional companies to the militia, 1,500 men had been raised without any expence whatever to the public for levying: that law had since been suspended by another, which had however given the crown a power to take away the suspension by royal proclamation; such a proclamation might be issued: and he made no doubt but it would produce the desired effect.

The Marquis of *Graham* informed the House, that he intended, shortly, to submit to their consideration a plan for establishing a militia in Scotland. He trusted that gentlemen now saw the necessity of such an establishment in so clear a light, that his attempt would be crowned with success.

Sir *C. Turner* supported the plan of the ministers, for defending the country: it was for nothing more than to defend the state; and so far was it from being illegal, or dangerous, that it went only to arm men for that purpose for which they had a right to bear arms in spite of any law,—for the defence of their houses and property. He approved the plan of raising the men, but he would not have them to be mere soldiers; he had an aversion to a red coat; he wished that the soldier and the citizen should be united in the same person.

Colonel *Barré* strongly urged the necessity of the plan; for if it should not be carried into execution, the enemy, by being masters of the sea, would at any time have it in their power to ruin this country, by landing and levying contributions. The people should be convinced of this, for at present he understood that it was a common expression, "if the enemy should land we must make peace." But this was a mistake; for in such a case we could not be masters of peace, we must depend upon the enemy for it, who would not grant it, perhaps, till they had reduced some of our towns to ashes, and ruined the country by heavy contributions: then, indeed, but not before, would they grant a peace: it was the business therefore of the people not to leave it in the power of the enemy to do us so much mischief, or to cover us with so much disgrace. Every heart and hand in the kingdom should be now united; no symptoms of distress should appear; and therefore he would conjure the hon. mover to withdraw his motion, and not throw cold water in the very outset, on a question on which the salvation of the country depended.

Mr. *Coke* persisted in his motion. He said he had good reasons for it; he did not say that he condemned the measure wholly; but he thought that if it ought to be generally adopted, nothing could contribute more to that end than to have it sanctified by parliament. However, he could not help apprehending something from arming the people; it had been said that if London and Westminster had been armed, the riots which had disgraced the capital two years ago, would have been prevented; but he would ask, what would have been the consequence if that numerous rabble with blue cockades, which then besieged parliament, had been armed? The consequence he believed would have been dreadful indeed.

Mr. *Mansfield* supported the same opinion; and after paying the highest com-

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pliment to the talents of Mr. Fox, he said that he was surprised to hear him praise, in such high terms, the volunteers of Ireland, who had subverted the government of their country, and overturned its constitution. Here he was called to order by

The *Secretary at War*, who gave a flat contradiction to the assertion. He then observed, that the question before the House was relative merely to the production of a paper, and related in no manner to the volunteers of Ireland.

Mr. *Mansfield* continued; but after having argued for some time generally, he got back again to the Irish volunteers; and said, that if this country should accede to their demands,—here he was again stopped and called to order, by

Mr. *Montagu*, who wished that the learned gentleman would confine himself to the question before the House.

Mr. *Mansfield* went on. He supposed the present plan carried into execution; and that immediately after that House should have decided upon some great constitutional question, some of the armed towns should declare themselves much dissatisfied with the decision of the House, and appeal to the sword, what would be the consequence? It might be more easily foreseen than prevented, if the plan should take place. He was a friend to the freedom of parliament, and he wished to see the parliament of Ireland as that of England, if the latter was still free, or if it could remain free, amidst a people in arms. It had been said that the volunteers of Ireland had suppressed tumults and riots; he believed the fact, but it would have been very strange if they had not, the volunteers being, in his opinion, themselves the government of Ireland. Here he was called to order by

The *Attorney General*; who expressed his surprise that his learned friend could have put the House under the necessity of calling him to order three different times; his speech had a dangerous tendency; it could not be calculated for any good purpose; and if he persevered he would again call him to order.

The *Lord Advocate* called upon his learned friend to recollect, that while they had both supported the measures of the late administration, they had not been in the habit of appealing to bodies of men without those walls, or asking what would be the consequence of such and such a measure, if it should happen to displease some part of the public. He entreated his learned friend to persevere in the same line, and not to debate at this moment what might be the sentiments of the people, if they should get arms in their hands; it was not politic to suggest to them, by speeches in that House, ideas which they might otherwise never entertain.

A conversation then took place, in which the Speaker said he had not called the learned gentleman to order, because he had conceived he had deviated from the question before the House, merely in answer to other members who had deviated from it before him.

Mr. *Mansfield* felt himself hurt at the Attorney General's expression, that his speech could not be calculated for any good purpose. He did not know, that in his past life, any thing could be discovered, that could justify an opinion that he would intentionally say any thing he thought would be injurious to the country; if he had wandered from the question, it was after the example of the brightest genius in that House, who had first appealed to the volunteers of Ireland. All he wanted was to have the legislature of both countries free, and the constitution strongly fenced against the danger arising from having a people in arms. He did not mean at present to oppose the plan; if when produced, it should meet his approbation, he would certainly give it: but he thought it was his duty not to suffer such a question to pass over, without saying something upon it.

The *Attorney General* said, that he meant to have said, that the learned gentleman's speech could answer no good end: he saw his learned friend on the brink of a precipice, and, as he was eager to save him from falling, so he had not spoken in the most measured terms.

Mr. *Mansfield* declared himself fully satisfied with this explanation.

Mr. *Dempster* gave the plan his hearty assent; the people voluntarily taking arms was a never-failing source of defence; in Elizabeth's days they had saved their country at the time of the armada; and no danger whatever befel, or ever threatened the constitution by arming the people at that period.

Mr. *Martin* said, that he was well aware he had neither high rank, great abilities, or mean servility to any party whatever, to recommend him to the attention of the

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House; but that he should, during life, take the liberty of thinking for himself, and he trusted that his words and actions would correspond with his real and disinterested opinions: that no person in this country could be more seriously apprehensive of a large standing army than he was, but that he looked upon the measure now proposed as the greatest possible security against such an evil and against internal disturbances: that about two years ago a most execrable mob, composed of unchristian and ignorant bigots, had assembled in St. George's-fields, that they had afterwards been joined by all the banditti that this great metropolis and its environs could throw together, and that they had done infinite mischief, which he thought would have been entirely prevented had such establishments as those now proposed then existed: that perhaps he might be ridiculed for what he was going to say, but he thought that in a free country every man should be a soldier and every man a politician—by being a politician, he meant that even the lowest of the people should be properly interested in the welfare of the state: that however some gentlemen might think proper to treat the lower ranks of their fellow-subjects, and call them the mob, he thought that many of such persons, though not so rich or so learned as those called their betters, might be full as honest, and perhaps as intelligent: that a certain right hon. gentleman was very fond of treating the lower classes of men in a contemptuous manner, for which Mr. Martin thought him highly reprehensible, though his wit and pleasantry might reconcile such impropriety and injustice to the generality of his hearers. He added, that if ever there was a time when we might safely relax from that strict jealousy of a standing army becoming a free people, it should be at a time when we had at the head of our army, a commander in chief, to whom the public were highly indebted for his virtuous conduct, and who had proved himself one of the truest friends to this country: that we had the farther security of having a minister in the House of Commons who acted upon the true principles of the constitution, and that he could not but remark, that though that right hon. gentleman had seemed to lay some blame on himself for his unguarded manner of speaking in that House, it was a point on which he most particularly admired him, as he thought it was much better for a minister to hold a bold unguarded language, such as manifested a confidence in the public, than to seem suspicious and fearful that an unfair advantage would be taken of every expression that might fall from him which was not strictly warrantable.

The Speaker at last put the question on Mr. Coke's motion, and it was carried without a division. The following is a copy of

The Earl of Shelburne's Circular Letter, and Heads of a Plan for arming the People.

" Sir; Whitehall, May 7, 1782.

" His Majesty has commanded me to express his firm reliance upon the spirit and loyalty of his people, and his royal confidence, that, during this season of difficulty, their utmost endeavours will not be wanting to give unquestionable proofs of their attachment and emulation for his service; and foreseeing, that by wise, strenuous, and timely preparations, he may not only disappoint, or defeat any hostile attempts, but, by appearing strong and united at home, he may be enabled to make the more powerful efforts for maintaining his honour and the public interests abroad, and thereby lay the surest foundations for a safe, an honourable, and a lasting peace; and as the populousness of the principal towns and cities of Great Britain, naturally offers the greatest facility, as well for forming into corps, as for learning the military exercise, without loss of time, interruption of labour, or any considerable fatigue, his Majesty has commanded me to transmit to you the inclosed proposition, which has been submitted to his Majesty, as at least a temporary plan for augmenting the domestic force of the nation, which being adopted or improved, according to the circumstances and situation of the town, of which you are the chief magistrate, may tend to the immediate formation of a great and respectable addition to the national force at home, on the most natural and constitutional principles.

" For this purpose, I have his Majesty's commands to signify to you his desire and recommendation, that you should take the same into immediate consideration, and, after having considered, report to me whatever observations may occur to you for the carrying into execution a plan, the purpose of which is to give security to your own persons and property, and to the ge-

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neral sense of the kingdom. I am, Sir, your's, &c. SHELBURNE."

Heads of a Plan for raising Corps in several principal Towns in Great Britain.

1. The principal towns in Great Britain to furnish one or more battalions each, or a certain number of companies each, in proportion to their size and number of inhabitants.

2. The officers to be appointed from among the gentlemen of the neighbourhood, or the inhabitants of the said towns, either by commission from his Majesty, or from the Lord Lieutenant of the county, upon the recommendation of the chief magistrate of the town in which the corps are raised.

3. They are to be possessed of some certain estate in land or money, in proportion to their rank.

4. An adjutant or town major in each town to be appointed by his Majesty.

5. A proper number of serjeants and corporals from the army to be appointed for the corps in each town, in proportion to their numbers.

6. The said serjeants and corporals, as well as the adjutant, or town-major, to be in the government pay.

7. The men to exercise frequently, either in battalions, or by companies, on Sundays, and on all holidays, and also after their work is over in the evenings.

8. Arms, accoutrements, and ammunition, to be furnished at the expence of government, if required.

9. Proper magazines or storehouses, to be chosen, or erected in each town, for keeping the said arms, &c.

10. The arms and accoutrements to be delivered out at times of exercise only, and to be returned into the storehouses as soon as the exercise is finished.

11. The adjutant or town-major to be always present at exercise, and to see that the men afterwards march regularly, and lodge their arms in the storehouses.

12. Proper penalties to be inflicted on such as absent themselves from exercise, as also for disobedience of orders, insolence to their officers, and other disorderly behaviour.

13. The above corps not to be obliged, on any account, or by any authority whatever to move from their towns, except in times of actual invasion or rebellion.

14. His Majesty shall then have power to order the said corps to march to any part of Great Britain, as his service may require.

15. They are on such occasions to act, either separately or in conjunction with his Majesty's regular forces, and to be under the command of such general officers as his Majesty shall think proper to appoint.

16. Both officers and men to receive full pay as his Majesty's other regiments of foot from the day of their march, and as long as they shall continue on service out of their towns.

17. They are to be subject to military discipline, in the same manner as his Majesty's regular forces, during the said time of their being so called out, and receiving government pay.

18. All officers who should be disabled in actual service to be entitled to half pay, and all non-commissioned officers and private men disabled, to receive the benefit of Chelsea hospital.

19. The widows of the officers killed in the service to have a pension for life.

*Scotch Militia Bill.*] May 15. The Marquis of *Graham* rose to move for leave to bring in a Bill for the better ordering of the militia forces in Scotland. His lordship said it would be unnecessary to paint the dangers that threatened the nation on every side; the House had lately heard a gentleman of the first talents (Mr. Fox) describe them in the most striking colours: the dangers being great, the necessity of preparing a sufficient defence must strike every gentleman; none appeared to him so constitutional and so safe as a militia; raising a militia was placing arms in the hands of the middle class of the community, who had little to gain, and much to lose by troubles and commotions. Such men would be a shield to the constitution against the turbulent grasp of democracy, or the encroachments of the crown. Such a measure as the present had been tried before and had failed; but he trusted that, circumstances having altered the state of the question, the former objections to a militia in Scotland were now done away: and he hoped that those who had formerly opposed the measure would not continue to do so, merely because they had once opposed it. The defenceless state of Scotland had alarmed the people of that country; and parliament must defend that part of the kingdom, or the people would be under the necessity of arming for their

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own preservation: such a measure ought to be prevented, by a law which should raise a constitutional force for the defence of Scotland, at a time when that country was more immediately exposed to danger, on account of the war with Holland. He had lately attended a meeting of gentlemen, owners of lands in Scotland, which might be deemed a very respectable representation of that country; and there it was unanimously agreed, that a militia was the most desirable force for defending Scotland. His lordship concluded by moving for leave to bring in the Bill.

Lord *Maitland* seconded the motion. He said that before the commencement of the Dutch war, it was most natural and most politic, that the part of the island which was most exposed to danger should have the greatest portion of the national force to defend it; it therefore happened, that previous to the Dutch war, almost the whole force of the kingdom was employed in the defence of England, which lay most exposed to invasions from France and Spain: but the Dutch war had greatly altered the nature of the question; and Scotland, which before that, was least exposed, was now in greater danger from invasion and depredation than England: it was therefore entitled to defence, and if a due proportion of the national force could not be spared for that purpose, nothing surely could be more reasonable, than to raise a force in Scotland, sufficient for its defence. A Scotch militia had been formerly opposed, because it was not, for some time after the late rebellion, thought safe to trust arms in the hands of the Scotch; but such a fear would be absurd at a time when there did not exist a doubt of the attachment of the Scotch to the crown. In 1775, the same measure was opposed; but the Dutch war intervening, the arguments used at that period against a Scotch militia were not now applicable, for the danger was so imminent, that they must be provided against it. He said he was happy to hear, a few days since, the right hon. Secretary declare, that nothing was so preposterous as persevering in one opinion, merely for the sake of consistency. He hoped gentlemen would think of that, and not vote now against the motion, because formerly they had done so. Whatever prejudices gentlemen might have had against intrusting arms in the hands of the Scotch, soon after the years 1715 and 1745, he flattered himself were now worn away, as no men had proved themselves firmer supporters of the crown than the Scotch. His lordship said, it would scarce be proper to mention the weak and defenceless state of many parts of Scotland, but certainly, from the present posture of affairs, they ought to be in a state of defence; and no mode appeared to him more proper than the one moved for by his noble friend.

Sir *C. Turner* said, he always was, and always should be, against appointing a militia in Scotland: he considered the militia of England as a part of our slavery, and such a part as might be used in bad hands to the enslaving the other part. Although he was against allowing a militia, he was not against allowing the people arms; he wished every man, both in England and Scotland, to have arms, and know the use of them, but it should be under different regulations to what they were at present. The people of Scotland were bred to arms, and he believed it would be better for them, if they turned their swords into ploughshares.

The *Secretary at War* declared, that he always had been against appointing a militia in Scotland, and the reasons that induced him formerly, still existed; yet he would not at present promise either to support or oppose the motion. He should wait until he saw the Bill brought in, and as he found it, so he would give his opinion.

Lord *F. Campbell* spoke in favour of the motion, and wondered to hear his old friend, sir C. Turner, declare that we were slaves, owing to our militia. His lordship was firm in opinion, that Scotland ought to have the same means of defence as England.

Sir *C. Turner* rose, he said, for the first time in his life, to explain; he did not say, that we were at present slaves, but it was his opinion, that the appointing a militia for Scotland would go a great way towards it.

Mr. *Hartley* said, he formerly was against a militia in Scotland, and, indeed, he was against every measure that put fresh power into the hands of the late ministry, as he found they were men not to be trusted; but since his Majesty's ministers were changed, he did not see the same reason, therefore he should be in favour of the motion.

Leave was given to bring in the Bill.

*Debate in the Commons on the Affairs of Ireland.*] May 17. The House re-

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solved itself into a Committee of the whole House to take into consideration his Majesty's Message of the 9th of April relative to the State of Ireland. The following Papers, presented to the House by Mr. Secretary Fox on the 1st of May, were referred to the said Committee:

MESSAGE to the Houses of Lords and Commons in Ireland, from his Grace the Lord Lieutenant; delivered the 16th April 1782.

"Portland.

"I have it in command from his Majesty, to inform this House, that his Majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects of this country, upon matters of great weight and importance, his Majesty recommends to this House to take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to his kingdoms of Great Britain and Ireland. P."

RESOLUTION of the House of Lords in Ireland, Mercurii, 17° die Aprilis 1782.

"Resolved, by the Lords spiritual and temporal in parliament assembled, *nem. dis.* That an humble address be presented to his Majesty, to return him our thanks for the most gracious Message sent to this House by his Majesty's command, through the medium of his grace the Lord Lieutenant; and to assure him of our most unshaken loyalty and attachment to his Majesty's person and government, and of the lively sense we entertain of his paternal care of his people of Ireland, in thus enquiring into the discontents and jealousies that subsist amongst them, in order to such final adjustment as may give mutual satisfaction to his kingdoms of Great Britain and Ireland: that, thus encouraged by his royal interposition, we shall beg leave, with all duty and affection, to lay before his Majesty the causes of such discontents and jealousies: to represent to his Majesty, that his subjects of Ireland are entitled to a free constitution; that the imperial crown of Ireland is inseparably annexed to the crown of Great Britain, on which connection the happiness of both nations essentially depends; but that the kingdom of Ireland is a distinct dominion, having a parliament of her own, the sole legislature thereof: that there is no power whatsoever competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland; upon which exclusive right of legislation we consider the very essence of our liberties to depend, a right which we claim as the birthright of the people of Ireland, and which we are determined, in every situation of life, to assert and maintain: to represent to his Majesty, that we have seen with concern certain claims, both of legislature and judicature, asserted by the parliament of Great Britain in an Act passed in Great Britain in the sixth year of George 1, intituled, 'An Act for 'the better securing the dependency of 'Ireland upon the crown of Great Bri-'tain:' that we conceive the said Act, and the powers thereby claimed, to be the great and principal causes of the discontents and jealousies that subsist in this kingdom: to assure his Majesty, that this House considers it as a matter of constitutional right and protection, that all Bills which become law should receive the approbation of his Majesty, under the seal of Great Britain; but we consider the practice of suppressing our Bills in the council of Ireland, or altering them any where, to be a matter which calls for redress: to represent to his Majesty, that an Act, intituled, 'An Act for the better 'accommodation of his Majesty's forces,' being unlimited in duration, but which, from the particular circumstances of the times, passed into a law, has been the cause of much jealousy and discontent in this kingdom: that we have thought it our duty to lay before his Majesty these, the principal causes of the discontents and jealousies subsisting in this kingdom: that we have the greatest reliance on his Majesty's wisdom, the most sanguine expectations from his virtuous choice of a chief governor, and the greatest confidence in the wise and constitutional council his Majesty has adopted: that we have moreover a high sense and veneration for the British character; and do therefore conceive, that the proceedings of this country, founded as they are in right, and supported by constitutional liberty, must have excited the approbation and esteem of the British nation: that we are the more confirmed in this hope, inasmuch as the people of this kingdom have never expressed a desire to share the freedom of Great Britain, without at the same time declaring their determination to share her fate, standing or falling with the British nation."



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RESOLUTION of the House of Commons in Ireland, Martis, 16° die Aprilis 1782.

"Resolved, That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious Message to this House, signified by his grace the Lord Lieutenant: to assure his Majesty of our unshaken attachment to his Majesty's person and government, and of our lively sense of his paternal care, in thus taking the lead to administer content to his Majesty's subjects of Ireland; that thus encouraged by his royal interposition, we shall beg leave, with all duty and affection, to lay before his Majesty the causes of our discontents and jealousies: to assure his Majesty, that his subjects of Ireland are a free people; that the crown of Ireland is an imperial crown, inseparably annexed to the crown of Great Britain, on which connection the interests and happiness of both nations essentially depend; but that the kingdom of Ireland is a distinct kingdom, with a parliament of her own, the sole legislature thereof; that there is no body of men competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland, nor any other parliament which hath any authority or power of any sort whatsoever in this country, save only the parliament of Ireland: to assure his Majesty, that we humbly conceive, that in this right the very essence of our liberties exists; a right which we, on the part of all the people of Ireland, do claim as their birthright, and which we cannot yield but with our lives: to assure his Majesty, that we have seen with concern certain claims advanced by the parliament of Great Britain, in an Act, intituled, 'An 'Act for the better securing the depen-'dency of Ireland;' an Act containing matter entirely irreconcilable to the fundamental rights of this nation; that we consider this Act, and the claims it advances, to be the great and principal cause of the discontents and jealousies in this kingdom: to assure his Majesty, that his Majesty's Commons of Ireland do most sincerely wish, that all Bills which become law in Ireland should receive the approbation of his Majesty, under the seal of Great Britain; but that yet we do consider the practice of suppressing our Bills in the council of Ireland, or altering the same any where, to be another just cause of discontent and jealousy: to assure his Majesty, that an Act, intituled, 'An Act for the better accommodation 'of his Majesty's forces,' being unlimited in duration, and defective in other instances, but passed in that shape from the particular circumstances of the times, is another just cause of discontent and jealousy in this kingdom: that we have submitted these, the principal causes of the present discontent and jealousy in Ireland, and remain in humble expectation of redress; that we have the greatest reliance on his Majesty's wisdom, the most sanguine expectations from his virtuous choice of a chief governor, and great confidence in the wise, auspicious, and constitutional councils which we see with satisfaction his Majesty has adopted; that we have moreover a high sense and veneration for the British character, and do therefore conceive, that the proceedings of this country, founded as they were in right, and tempered by duty, must have excited the approbation and esteem, instead of wounding the pride of the British nation; and we beg leave to assure his Majesty, that we are the more confirmed in this hope, inasmuch as the people of this kingdom have never expressed a desire to share the freedom of England, without declaring a determination to share her fate likewise, standing and falling with the British nation."

As soon as the above Papers had been read by the clerk,

Mr. Secretary *Fox* rose. He said that in discussing a subject of such magnitude, as that which he was about to submit to the consideration of the committee, it was his intention to speak as plainly, as roundly, and as intelligibly as he possibly could, at the same time he was aware, that, on such a subject, he must speak with some degree of diffidence and caution; because he was afraid that, on one hand, he might be thought to grant too much to Ireland; while, on the other, some might think that he did not grant enough: at all events, he would speak his sentiments with freedom; desiring, however, that what should fall from him might be considered principally as coming from him in the capacity of an English member of parliament, rather than as a minister.

Having premised this, he entered upon the subject. The committee, he observed, must know from the addresses that had been just read, that the parliament of Ireland had spoken out; and stated in clear

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terms, what it was that they required. The great points to which the claims of the Irish parliament were directed, appeared to be the repeal of the 6th of George the first; the restoration of the appellant jurisdiction; the modification of the Poyning's law; and the repeal of the perpetuating clause in the Mutiny Bill. On each of these points, he intended to offer a few observations to the committee.

And first, with regard to the Act of the 6th of George the first, it had always been his opinion out of office, that it was downright tyranny to make laws for the internal government of a people, who were not represented among those by whom such laws were made. This was an opinion so founded in justice, in reason, and in equity, that in no situation had he, or would he ever depart from it: it was true, nevertheless, that he was not an enemy to *the Declaratory Act*, which had been passed relative to America; yet his principles were not inconsistent nor incompable with that Act. He had always made a distinction between internal and external legislation: and though it would be tyranny to attempt to inforce the former, in countries not represented in the British parliament, yet he was clear that the latter was, in reason and in policy, annexed to the British legislature; this right of prerogative or supremacy, he was convinced, would never have given umbrage to any part of the British empire, if it had been used solely for the general good of the empire; but when it was made an instrument of tyranny and oppression, it was not to be thought wonderful, that it should excite discontents, murmurings, and opposition. When local legislatures were established in different parts of the empire, it was clear that it was for this purpose, that they might answer all municipal ends; and the great superintending power of the state ought not to be called into action, but in aid of the local legislature, and for the good of the empire at large; but when ministers, judging by what they had, of what they might have, carried the principle of external to internal legislation, and attempted to bind the internal government of its colonies by acts, in the passing of which the colonies had no voice, that power, which, on proper occasions, would have been cheerfully obeyed, created animosity and hatred, and had produced the dismemberment of an empire, which, if properly exerted, it would have served to unite and bind in the firmest manner.

Ireland had the same reason to spurn at this power of external legislation, because it had been hitherto employed for the purpose only of oppressing and distressing her. Had Ireland never been made to feel this power as a curse, she never would have complained of it; and the best and most effectual way to have kept it alive, would have been, not to have made use of it. Ireland would then have suffered this harmless power to exist in the statute book; she never would have called out for a renunciation of it. But, fatally for this country, this power of external legislation had been employed against Ireland as an instrument of oppression, to establish an impolitic monopoly in trade; to enrich one country at the expence of the other. When the Irish first complained of this monopoly about four years ago, and asked as favours what they might have claimed as a right, they were opposed in that House; and their demands, which were no less modest than just, were disregarded. It was not local or commercial jealousy, so common in all countries, that had operated to the disappointment of the Irish at that time; their demands had been rejected, when the then first confidential servant of the crown in that House came down to vote against them; the influence of the minister was exerted, perhaps for the purpose of preserving a few votes on other occasions; and the rights and distresses of Ireland were consigned to oblivion. Thus the supreme power of the British parliament was employed to gratify a few, and to distress a whole kingdom. What was the consequence? The Irish finding that they had nothing to expect in the British House of Commons from the justice of their demands, found resources in themselves; they armed; their parliament spoke out; and the very next year, the same minister who before had put a negative on all their expectations, came down to the House, and making the *amende honorable* for his past conduct, gave to the demands of an armed people, infinitely more than he had refused to the modest applications of an unarmed humble nation. Such had been the conduct of the then minister and his colleagues; and this was the lesson that the Irish had been taught: "If you want any thing, seek not for it unarmed and humbly; but take up arms, speak manfully and boldly to the British ministry, and you will obtain more than you at first might

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have ventured to expect." This was the happy consequence of the ill use made of the superintending power of the British parliament, which was perverted from its true use, and instead of being the means of rendering the different parts of the empire happy and connected, had made millions of subjects rise up against a power, which they felt only as a scourge. If, therefore, he should be obliged to move any proposition that might appear humiliating on the part of Great Britain, or hurtful to the pride of Englishmen, the fault was not his; it was the fault of those who had left it in the power of the volunteers to make the demands contained in the addresses on the table; who had left it in their power, not by leaving arms in their hands, but leaving them their injuries and oppressions.

It was his intention not to pursue the footsteps of his predecessors; and therefore he would agree to the demands of the Irish, relative to the repeal of the 6th of Geo. 1, not because he was intimidated, and afraid to oppose them; but because he believed them to be founded in justice; and he would have been as ready to grant them if Ireland made them now, in the same unarmed and modest manner, in which she preferred her complaints four years ago. A man must be a shallow politician indeed, who could not find means of distressing Ireland, and making her feel the weight of calamity; it might be distressing to Ireland, if his Majesty's servants should advise the King not to give his assent to the Bill for quieting the possession of those who hold estates in Ireland, under English laws; the resources of this country were amply sufficient for the purposes of devastation; the deserted towns and villages, the ruined provinces of America, would bear testimony to the power of the British arms to depopulate countries, and deluge them with blood, but he must be a shallow politician who would resort to such means to enforce obedience to laws, which were odious to those whom they were made to bind. For his part, he had rather see Ireland totally separated from the crown of England, than kept in obedience only by force. Unwilling subjects were little better than enemies; it would be better not to have subjects at all, than to have such as would be continually on the watch, to seize the opportunity of making themselves free. If this country should attempt to coerce Ireland, and succeed in the attempt, the consequence would be, that, at the breaking out of every war with any foreign power, the first step must be to send troops over to secure Ireland, instead of calling upon her to give a willing support to the common cause.

Having said thus much with regard to the repeal of the 6th of George 1, which he intended to agree to in the most unequivocal manner, he touched next upon the appellant jurisdiction. Upon this question he thought there was no manner of difficulty whatever; for when the great question of legislation was given up, he did not see that it was of any consequence still to maintain to this country the jurisdiction in appeals: but even if it was a desirable object, or likely to strengthen the tie between the two countries, it must be given up, for the Irish insisted upon it; and there was a particular reason for complying with their desires on that head. The decrees or judgments of our courts of law here in matters of appeal, were to be carried into execution—where? In Ireland. By whom? By the people of Ireland. Now, as the people of Ireland had one and all declared, that they would not execute or obey any order of any English tribunal, it would be nugatory and absurd to maintain the appellant jurisdiction to Great Britain; and consequently it would be better to give it up with a good grace, than to keep it as a bone of contention between the two countries.

He came next to the modification of the law of Poyning. It must be admitted, he said, that by this law, a strange alteration had been made in the form of the constitution of Ireland, by making the privy council of that kingdom a branch of the legislature; and those who were acquainted with the nature of the interference of that privy-council, knew very well, that it was of the greatest detriment to the state; for not only it sometimes suppressed Bills which had passed the House of Lords or Commons *nemine dissentiente;* but such was the nature of it, that Bills were sometimes passed according to form indeed, but in fact, *nemine assentiente;* when it was contrary to the intention of any man in the House, that such Bills should pass, they were nevertheless supported by all, in confidence that in the privy-council they would be thrown out. This kind of conduct was merely to gain popularity; that men who did not wish to oppose popular opinions, which they did not approve, should nevertheless unanimously

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give way to those opinions, merely because they knew they would be rejected in the privy-council. For his own part, he was free to confess that the interference of that body, and their power to stop Bills in their progress from parliament to the King, appeared to him improper; and therefore he could have no objection to advise his Majesty to consent to the modification that they required, of that law, from which the privy-council derived that power. But the jealousies of the Irish went farther; they were jealous of the interference of the English privy council; and he admitted that the alterations which had sometimes been made by it in Irish Bills, had given but too just cause for jealousy. It was generally understood in Ireland, that Irish Bills were frequently altered in England with very little consideration, and sometimes by a single person, the Attorney General; which *single person* the Irish imagined made alterations, without giving that attention to the Bills which the importance of the subject required. He would not say that these opinions were in general well-founded; but this he was convinced of, that, like the 6th of George 1, this power of altering might have still remained, if an improper use had not been made of it; but to his knowledge it had been grossly abused; in one instance in particular, a Bill had been sent over to England two years ago, granting, and very wisely and very justly granting, indulgencies to the Roman Catholics; in that same Bill there was a clause in favour of the Dissenters for repealing the sacramental test; this clause was struck out, contrary, in his opinion, to sound policy, as the alteration tended to make an improper discrimination between two descriptions of men, which did not tend to the union of the people. It was by such conduct, that the Irish were driven to pronounce the interference of the English privy council in altering their Bills, a grievance, though in his opinion, the power would never have been complained of, if it had never been abused.

He came lastly to the Mutiny Bill, and he freely confessed, that it was no matter of surprise, that the Irish should object to a clause which gave a perpetual establishment to a military force in their country; and so hostile did he deem such a clause to the constitution of England as well as of Ireland, that if the Irish had never mentioned this law among their grievances, he would have held it to be his duty, as an Englishman, to have recommended the repeal of it. The Irish must naturally feel that jealousy for their constitution, which the English feel for theirs, and which they express by passing a mutiny law only for one year: this perpetuating clause had this effect also, that it rendered the interference of the English privy council still more and more odious. All that remained at present, was to shew a readiness to satisfy the Irish on this head, and remove or repeal the clause in question.

Having thus gone through the various grievances and demands of Ireland, he observed, that the committee must see that there was only one or two points, in which the interference of the British parliament was necessary; and these were the repeal of the 6th of George 1, and the restoration of the appellant jurisdiction to Ireland: the other points lay between the parliament of Ireland and the King; and he certainly should, as one of the servants of the crown, advise his Majesty to satisfy the other demands of his Irish subjects. Ireland had spoken out, and clearly and plainly stated what she wanted; he would be as open with her, and though he might perhaps have been better pleased, if the mode of asking had been different, still he would meet her upon her own terms, and give her every thing she wanted, in the way which she herself seemed to wish for it. She therefore could have no reason to complain; the terms acceded to by England, were proposed by herself; the manner of redress had been prescribed by herself, and all her wishes would now be gratified in the way which she herself liked best. But as it was possible, that if nothing more was to be done, than what he had stated to be his intention, Ireland might perhaps think of fresh grievances, and rise yearly in her demands, it was fit and proper that something should now be done towards establishing on a firm and solid basis the future connection of the two kingdoms. But that was not to be proposed by him here in parliament; it would be the duty of the crown to look to that; the business might be first begun by his Majesty's servants in Ireland; and if afterwards it should be necessary to enter into a treaty, commissioners might be sent from the British parliament, or from the crown, to enter upon it, and bring the negociation to a happy issue, by giving mutual satisfaction to both countries, and establishing a treaty

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which should be sanctified by the most solemn forms of the constitutions of both countries.

Notwithstanding this country was parting with what she had hitherto held and exercised, still he could not look upon this day as a day of humiliation to her; she was giving up what it was just she should give up; and in so doing, she was offering a sacrifice to justice; policy and justice combined to induce her to offer it; but he should be sorry that an idea should prevail, that she was giving to fear what she would deny to justice: fear, he declared, was out of the question. He said he entertained no gloomy thoughts with respect to Ireland: he had not a doubt but she would be satisfied with the manner in which England was about to comply with her demands; and that in affection, as well as in interest, they would be but one people. If any man entertained gloomy ideas, he desired him to look at the concluding paragraph of the Irish addresses, where he would find, that the Irish people and parliament were filled with the most earnest desire to support England, to have the same enemy and the same friend; in a word, to stand or fall with England. He desired gentlemen to look forward to that happy period, when Ireland should experience the blessings that attend freedom of trade and constitution; when by the richness and fertility of her soil, the industry of her manufacturers, and the increase of her population, she should become a powerful country; then might England look for powerful assistance in seamen to man her fleets, and soldiers to fight her battles. England, renouncing all right to legislate for Ireland, the latter would most cordially support the former as a friend whom she loved; if this country, on the other hand, was to assume the powers of making laws for Ireland, she must only make an enemy instead of a friend; for where there was not a community of interests, and a mutual regard for those interests, there the party whose interests were sacrificed, became an enemy. The intestine divisions of Ireland were no more; the religious prejudices of the age were forgotten, and the Roman Catholics being restored to the rights of men and citizens, would become an accession of strength and wealth to the empire at large, instead of being a burthen to the land that bore them. The Dissenters had tasted of the liberality of the legislature, and now in common with their Roman Catholic brethren, would enjoy that happy toleration which did not confer more happiness on those who were the objects of it than honour on those who established it.

Upon the whole, he was convinced that the Irish desired nothing more ardently than proper grounds for being most cordially united to England; and he was sure that they would be attached to this country, even to bigotry. Of the volunteers, he must speak respectfully: they had acted with temper and moderation, notwithstanding their steadiness; and he must in justice to them, and to his own principles, declare, that they had not done a single act, for which they had not his veneration and respect; and whatever blame there might be discovered in the course of the business, he did not impute a particle of it to Ireland; but laid it all at the door of the late administration. He concluded by moving, "That it is the opinion of this Committee, that an Act, made in the 6th year of the reign of his late majesty king George the 1st, intituled, 'An Act for 'the better securing the dependency of 'the kingdom of Ireland upon the crown 'of Great Britain,' ought to be repealed." He just observed that this would be a pledge to the Irish of the sincerity of his Majesty's ministers to deal fairly and openly with Ireland, through the whole of this important business.

Mr. *Thomas Pitt* rose to second the motion, as he said, with mixed feelings upon the occasion. He would not presume to tread over the same ground, or to try to enforce those arguments which were more than sufficient to carry conviction to every breast, as to the expediency of the measures proposed; nor did he imagine there would be one dissenting voice. He felt, likewise, how unequal he was to so tender and delicate a subject, when the right hon. mover had himself declared the difficulties it laid him under. He thought there were many things better left to the feelings of others than explained by words. He could not, however, in justice to his own consistency, avoid saying a word or two, as to some general political maxims, the right hon. gentleman had endeavoured to establish, and which he never could be brought to acquiesce in. That, it was worse than nugatory to enter into the discussion of rights that were to be given up; but as it was the fashion of the times to bring forward perpetually abstract speculative principles of



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government, and nice questions of right, which had already deluged whole provinces in blood, till then the happiest subjects upon the globe, had thrown almost all our American possessions into the scale of our enemies; had this day severed the kingdom of Ireland from the obedience to Great Britain; and were menacing to shake the peace of our own island to its foundation, if they were let loose upon us; he could not hear them even from the right hon. gentleman without entering his protest against them. That, when he heard of the substantial right of Ireland to its own internal legislation; in short, to an independency upon our laws, because it had no representation in our parliament, he must say of Ireland as he had said with regard to America, that if Great Britain was really an imperial crown, he could not conceive its rights and powers over all its subjects and dependencies to be bounded and controuled by any line or exception whatever, except its own discretion, the nature of things, and by voluntary cessions or compacts of its own. That if this maxim were disputed, he thought there was an end of all government, and all principle of controul from a supreme power over its dependencies. Far was he from justifying an abuse of power, an indiscreet exercise of right, and a wanton and injudicious interference in the internal regulations of distant countries: the right was one thing, a fit exercise of its right was another. That he wished only to state what he conceived to be the first great principle of all government rather than to apply it. That, as to the present question, he took for granted we should be all unanimous upon it; that political wisdom consisted chiefly in adapting itself to those circumstances which governed all human events. That there were still remaining stronger ties between the two sister kingdoms than one common legislature—the ties of mutual interest, consanguinity and affection. That it was not his fortune to be possessed of property in Ireland, but there was no one circumstance which could affect the welfare of that kingdom, by which he did not think his own interest most nearly affected. That he doubted not the hearts of the Irish sympathised equally with Great Britain; that it remained only now to form a lasting union between the two countries upon the most generous basis of mutual confidence, which would secure for ever the affection and reciprocal happiness of both kingdoms.

Mr. *Perceval* said that, connected as he was with both countries, he was equally a friend to both; and as he deemed the prosperity of one to be the prosperity of the other, so he could not but feel a peculiar satisfaction in concurring in a measure which would prevent confusion, and restore harmony to the two countries.

Sir *George Yonge* having formerly opposed the proposition in favour of Ireland, thought it necessary to offer his reasons for the vote he was then going to give in favour of the motion, that he might not be accused of inconsistency; the question of this day was very different from any that had been introduced relative to Ireland; this was a great political question, which left those who had voted against former questions merely commercial, at perfect liberty to vote differently; now, seeing it in a political point of view, the propriety, justice, and even the expediency of the measure proposed in the resolution, struck him so forcibly, that, notwithstanding the votes he might formerly have given upon questions of a different nature, he would most certainly give his hearty assent to the present motion.

General *Burgoyne* declared, that it was not for the sake of courting popularity in the country to which he was going, that he rose to speak at present; if he had no better motive, he would not have risen at all; but he could not prevail upon himself to give a silent vote on a subject of so much importance: the great revolution that had been effected with so much calmness and steadiness, did the highest honour to Ireland; and he could not express himself better in praise of the characters who had effected it upon the greatest principles of freedom, than in the words of the Roman author,—"eos qui de nihilo nisi libertate cogitant, dignos esse qui Romani fiant:" those who knew how to think so justly of liberty, deserved to be free. Entertaining such an opinion, it must of course follow, that the motion should meet with his support.

Lord *Beauchamp* had long foreseen, that matters would come to the issue, at which gentlemen now saw them; and he had used his best endeavours to hasten the event, because he knew it must happen sooner or later; he saw early an ulcer forming in the state of Ireland, and he knew that the sooner a radical remedy was applied the better, as no temporary expedient would remove the evil. He was afraid that the mere repeal of the 6th

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Geo. 1, would not satisfy Ireland, because the repeal would leave the question just as it was before, and England would still have the same right that she had before the Act passed, unless some counter-declaratory clause should be inserted in the repealing Act. There was another thing, too, on which he would make one observation: the latter part of the 6th Geo. 1 went only to appeals to the Lords; but though the Bill should be repealed tomorrow, still there would remain an appeal to the courts of law here, by a writ of error, to which he was convinced the Irish would not submit; and therefore he would advise, that the whole ground of appeal should be done away.

Mr. *Eden* very readily concurred in the motion, and would agree to do away all appeals, if Ireland should desire it; for his own part, he did not think that the restoration of the appellant jurisdiction to Ireland would be of real service to her; and he had delivered his opinion freely on that head to some of the ablest men on the other side of the water; but of this Ireland was the best judge, and would determine for herself; and he would agree to whatever she should determine on that head. The Mutiny Bill was a mere matter of regulation, and he had no objection to the repeal of the perpetuating clause. However, he could consent to the modification of Poyning's law, which should take away the interference of the two privy-councils, only under this idea, that an agreement should take place, that would settle the future connection of the two countries, on a firm and solid basis; for he could not consent that the power of this country over Ireland should amount merely to a negative voice in the framing of Irish laws, unless some proper stipulations should previously take place; and unless Mr. Yelverton's Bill should be sent back to Ireland to be passed into a law; for it would be highly improper to declare, this country has no right to bind Ireland, and not to make any provision for securing to the present possessors, the establishment which they enjoy under the English acts of parliament.

Mr. *Fox* said, that as it was his intention to do away completely the idea of England legislating for Ireland, so he should have no objection to word the repealing Act in such manner, as to make it contain a specific renunciation of the right claimed by this country to legislate for Ireland: it was the same with respect to the appellant jurisdiction, he had not the least objection to give it up *in toto*: after having given up legislation, he could not stand out for comparatively an insignificant object; appeals were not the bond of connection between the two countries; nay, loyal and attached as the Irish were to his Majesty's person and government, it was not the King that was the chief bond of union; it was a communion of affection, of regard, of brotherly love, of consanguinity, and of constitution. As to the Bill, commonly called Mr. Yelverton's Bill, as it was founded on this principle, that England cannot legislate for Ireland, a principle militating against a positive act of parliament, the privy council could not advise the King to give his assent to it; but if the House should consent to the repeal of the Act, of course the privy council might advise the passing of the Bill, and then no doubt it should be sent back to Ireland.

Mr. *Courtenay* preferred the simple repeal to any clause renouncing the right, for even the renunciation of the right would give an idea that the right did exist. The repeal would leave the question just where it was before; and before the year 1719, no Irishman ever dreamt of the power of England to bind Ireland; so far back as the year 1642, the Roman Catholics of Ireland in their great assembly of Trim, in the county of Meath, solemnly resolved, that Ireland was an independent kingdom, and its crown imperial; and in the year before the parliament of Ireland had voted a similar proposition: he was sorry, that on a former occasion, a learned gentleman, (Mr. Mansfield) had said that the volunteers had overturned the constitution of their country; what a pity the learned gentleman did not go over to convince them that he was right! The force of truth, aided by his eloquence, would certainly persuade them to pile their arms at his feet, and then he might say in triumph: "Cedant arma togæ; concedat laurea linguæ." The claims of the Irish were not novel, they were as old as Henry 2, who had given them the laws and constitution of England; and granted them of course a parliament: the great charter was given to them by his grandson Henry 3, and they had a free and independent legislature till the year 1719, when the Lords of England thought proper to resolve, that a cause which had been tried in appeal by the Lords of Ireland had been *coram non judice*, and then,

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and not before, did England think of asserting by law, the supremacy of England over Ireland, though the latter had, till that period, even after the Revolution enjoyed the right of appeal to her own king in his parliament of Ireland.—In this awful moment, when the volunteers of Ireland were resting upon their arms, anxious to know the determination of that House, he could not help congratulating the House on the happy prospect before them, when the Irish, re-established in their rights, would become the firm friends and supporters of England, when their attachment would grow up into bigotry (as the right hon. member had said) the only bigotry that would then be found in the land; for religious bigotry had been trodden under foot; the Roman Catholic, the Presbyterian and the Protestant, had erected a temple to liberty, and sacrificed at the altar *of* freedom: the people, now *restored to* the rights of mankind and of citizens, would make a great addition to the strength of the nation, and that strength would be directed against the enemies of England; the fast friend of England, the kingdom of Ireland, could have no friends but those of England, whose enemies must be the enemies of Ireland. The resolutions of the Irish parliament were such as became men who deserved to be free; and he was convinced, that the soul of every Irishman, in every corner of Europe, who had read them, vibrated at every word; but while he gave a scope to his feelings for his country, he could not help admiring the noble and generous conduct of the English parliament, which, forgetting all former prejudices, respected the ardour for liberty in the breasts of Irishmen, and even joined to fan the celestial flame which every true Englishman worships.

Mr. *Burke* said, that it was not on such a day as that, when there was not a difference of opinion, that he would rise to fight the battle of Ireland; her cause was nearest his heart; and nothing gave him so much satisfaction, when he was first honoured with a seat in that House, as that it might be in his power, some way or other, to be of service to the country that gave him birth; and he had always said to himself, that if such an insignificant member as he was could ever be so fortunate as to render an essential service to England, and his sovereign, or parliament, were going to reward him for it, he would say to them; "do something for Ireland; do something for my country, and I am over rewarded." He was a friend to his country; but gentlemen need not be jealous of that; for in being the friend of Ireland, he deemed himself of course the friend of England; their interests were inseparable. He spoke also of his friendship to the natives of India, whom he did not know, and who could never know him; and by proving himself their friend, he was convinced that he must prove himself also the friend of England. He concluded by paying several compliments to Mr. Thomas Pitt, for the very liberal and manly manner in which he had seconded the proposition; and explained what that gentleman had said, and which Mr. Courtenay seemed to have misunderstood, relative to the unbounded power of the imperial crown of England, over all its dependencies; the hon. gentleman meant that the power alluded to, knew no bounds, but such as its own discretion made it agree to prescribe to it.

Mr. *Dempster* felt that though the Act of the 6th Geo. 1 should be repealed, still this country might found a claim to the appellant jurisdiction, on the common law of the land; and therefore in order to remove every possible ground of future jealousy, if the noble lord (Beauchamp) would bring in any Bill or proposition to that effect, he would give him his most hearty support.

Lord *Newhaven* concluded the conversation by saying, that as soon as the right hon. Secretary's speech should have been read in Ireland, there would not, he was sure, be a dry eye from one end of the island to the other; every man would get drunk and cry for joy.

The question was then put, and carried *nem. con.*

Mr. *Fox* then moved "That it is the opinion of this committee, that it is indispensable to the interests and happiness of both kingdoms, that the connection between them should be established, by mutual consent, upon a solid and permanent basis." Agreed to *nem. con.* The Resolutions being reported to the House, were agreed to; and leave was given to bring in a Bill for the repeal of the 6th of Geo. 1. It was also resolved, "That an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to take such measures as his Majesty in his royal wisdom shall think most conducive to the establishing, by mutual



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consent, the connection between this kingdom and the kingdom of Ireland upon a solid and permanent basis."

*Debate in the Lords on the Affairs of Ireland.*] May 17. The Earl of *Shelburne* moved to read his Majesty's Message, and the two Addresses from the Lords and Commons of Ireland, in return to it; and these being read, he moved to read the Act of the 6th George 1, for the better securing the dependence of Ireland on the crown of Great Britain, and this also being read, his lordship opened the business. He proposed, he said, to lay before their lordships his sentiments, without the least reserve, to make a full discussion of one of the most important subjects that ever came before them, and to observe in this stage of the business, that same open, frank, and strict conduct which had been observed in the communication to Ireland. It always had been, and always should be, the line of his conduct, to act openly and without disguise, trusting that, as he spoke his own sentiments freely, and never should attempt to deceive parliament, other lords would express theirs with as little reserve; for he wished to invite an open discussion of great national questions. Ireland had demanded, by the papers on the table, four things; the first and the most essential to them was a free constitution, which they could not be said to enjoy while they were subject to laws not made with their own consent. How it came to pass that such a controul should exist in a country, similar in all respects to this, and having long had a parliament of its own, formed exactly on the model of ours, it was easy from history to trace. The commotions in that country, the frequent civil wars, the violence of religious disputes, the uncivilized state of a great part of the country, had all contributed to render the assembling of their parliament less frequent, and, in the intervals, to subject them to the controul of other laws, which were often so beneficial as to be readily adopted, without examining into the authority. But this had long been a subject of complaint; it was one of the great grievances required to be redressed by every party of the Irish in the war which began in 1640. The claim had at all times been made, and now that Ireland was united, religious disputes all composed, growing in wealth and strength, and fast improving in all the arts of peace, it was impolitic, it would be unjust, and he believed he might appeal to their lordships' conviction, that it would be impossible to resist the claim: he should therefore move a repeal of the Act he had desired to be read, which would give quiet and satisfaction to the minds of the Irish, and leave no cause to check the affection and zeal they felt for this country, whose fate they had declared themselves willing to share. There was in this Act another matter—the judicature of the Lords, which he was aware would be thought by some to be distinct from the legislature. It happened that the two subjects were clearly connected in the Act he had moved to repeal; the dispute upon judicature had given rise to that Act; and the Irish, though fully sensible of the impartial administration of justice by their lordships, were desirous to be subject to the judicature of their own peers, who had increased in wealth and consequence; and had, by the improvement of their minds, acquired that knowledge which fitted them for the exercise of such a trust better than in ancient times, when arms were their chief employment. He must at the same time remind the House, that though the appeals from Ireland to their lordships had now taken place, for many years without dispute, the claim was not very ancient. In 1672 was the first instance of an appeal from Ireland to their lordships, no parliament then sitting in Ireland. Another happened in 1679; afterwards the House of Lords of Ireland reclaimed their right; contests ensued in the years 1699 and 1713; the Lords of Ireland did, however, in fact, maintain their power, till the disputes in 1719, which were well known to their lordships, and produced the Act he should move to repeal.

This was all he meant to propose, as matter of parliamentary decision; but there were other points for the executive power, which he did not mean to dissemble, for in all affairs he desired to be plain, open, and direct. The condition of the Irish parliament was singularly clogged by ancient statutes, framed for the times, and which, though softened by practice, were still a great check to their freedom. Their lordships would see he meant Poyning's law. This law, passed in the reign of Henry 7, was originally intended for the benefit of the people of Ireland, as a check on the power which the viceroys, in conjunction with the great men of the country, had exerted, of passing laws that were often oppressive. The reason for such a law no longer subsisted, and it operated

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now only as a check on the reasonable desires of the Houses of Parliament, subjected to the controul of two privy councils. It had produced great disputes, which had sometimes been carried considerable lengths, and at other times terminated in a manner not very consistent with the dignity of the subject, or the parties under their law: the privy council of Ireland insisted on certifying a Money Bill, as one of the considerations for holding a parliament; the Commons maintained that Money Bills could only originate with themselves. In the government of a noble duke, for whose virtues he had the highest reverence, even had he not from connection the utmost respect for his family, and whose character was not such as to make him yield to any unreasonable pretensions, this question had been much agitated, and how was it settled? The *privy council* certified a Money Bill, the *Commons* rejected, and afterwards brought *in themselves* the same Money Bill; a form little respectable as the law form of fines and recoveries. Practice, however, had very much softened the effect of this law, which in its present state was only an uneasy, and by no means any effectual restraint. The people of Ireland wished to be relieved from it, and either by a repeal, or a modification, he thought it was sound wisdom to comply with their desires. The perpetuity of the Mutiny Act was another subject of complaint, in which he thought, as it was a matter of internal regulation, it was just to comply with the desire of Ireland, that there should be no distinction between that country and Great Britain. He concluded with expressing his strong reliance on the affection and gratitude, which such fair and liberal concessions would excite, and strenuously urged the necessity of union at this moment with our sister kingdom, and that she might be made to feel in the language of our holy prayers, that our service is perfect freedom. He concluded with reading two motions; 1. "That it is the opinion of this House, that the Act of the 6th of George 1, entitled 'An Act for the better securing the dependency of Ireland upon the crown of Great Britain,' ought to be repealed. 2. That it is the opinion of this House, that it is indispensible to the interest and happiness of both kingdoms, that the connection between them should be established by mutual consent, upon a solid and permanent footing, and that an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to take such measures as his Majesty in his royal wisdom shall think most conducive to that important end."

The Earl of *Carlisle* expressed his approbation of the motions. He bore ample testimony to the zeal and loyalty of the Irish, and particularly stated the honourable conduct of the volunteers, and the liberal offers made of their service, when Ireland was threatened with an attack. He said, that had he been more persuaded than he was, that Ireland had ever relinquished its right of free legislation, which he knew they neither had, nor could give up, he should still have thought it wise to accede to their claim; because he knew, that from the gratitude and affection of the country, and the wisdom of the parliament, much more advantage would arise to this country, than by maintaining any offensive and ill-founded pretensions to a controul over them.

Lord *Loughborough* said, he never rose with such anxiety as on the present occasion; and that he had come into the House disposed to hear, but unprepared to speak, not knowing the purport of the motion to be made. The resolutions contained matter that ought not hastily to pass, because such resolutions were in their nature conclusive. In matters of the least importance, the rules of parliament required repeated consideration to precede decision. An alteration of the general system of relation between Great Britain and Ireland, indeed any change of that, which, be it right or wrong, had the sanction of long usage, required some deliberation and some pause, before it was finally resolved. The first question offered to the House, was a repeal of the 6th Geo. 1. To give leave for a Bill for that purpose, he should not have had the least objection; but to resolve at once upon the repeal of an existing act, was a hasty and unprecedented measure. The second question seemed in general terms to convey a power to ministers, to adopt measures without the knowledge of parliament, and he could not consent to so general an authority for any act, excluding the judgment of parliament upon the act, when done.

The Earl of *Shelburne* on this stated the words of the second resolution, which he contended did not exclude, but implied the subsequent ratification of parliament of any act of the ministers.

Lord *Loughborough* was obliged by the information, as he might easily miscon-

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ceive words, that he had heard but once read, and declared, that the preamble of the resolution had his entire concurrence, but as to the latter part of it, he still conceived, that it implied more than the noble lord's explanation; there were acts of the ministers, which in no course required the intervention of parliament; for instance, the King's assent to an Irish bill was given, without consulting parliament, and wanted no ratification; but every one must know, there were laws existing in Ireland of great moment to the mutual interest and union of both countries. Upon the repeal of some of these, two men, equally well-wishers to Ireland, might entertain opposite opinions; and it was unfit by general words to pledge parliament for the approbation of measures that had not even been stated, much less considered. Upon the four matters set forth in the addresses of the two Houses in Ireland, notwithstanding the hazard of delivering any sudden opinion, he should venture to throw out some observations. The first and principal matter was the freedom of the Irish legislature, to which he had no hesitation to declare his opinion. He thought the right to bind the Irish parliament by laws made here, ought not to be asserted, much less exercised. He had, therefore, no objection to a repeal of a declaration of that right in the 6th of George 1, but it must not be overlooked, that this was not a mere declaration of a right in theory; the right thus declared, however founded, had in practice been exercised, and often for the benefit of Ireland. Two acts of settlement, by which nine parts in ten of the property of Ireland were held, many commercial regulations of common concern to Great Britain and Ireland, and all the assurances by oath of men's attachment to the government and religion of their country, depended upon the authority of British statutes. It was necessary, therefore, to take some care, that those points should be secured. When the foundation on which they now stood was taken away, the House had not been informed what measures had been, or were taken for that purpose.

The judicature of the Lords, he agreed, was a matter totally distinct from legislative power, though blended with it in the Act of the 6th Geo. 1. In many well-regulated states, the judicial and legislative powers were separate, and those who had written the best on government, were of opinion, they never ought to be united. Their lordships' judicature upon appeals from Ireland, it was said, was not of a very ancient date, nor earlier than the year 1672. It was, however, of the same antiquity with their judicature in appeals from England. Before the Restoration, there were few, he believed, no instances of appeals to the Lords, and the House of Commons had at first denied the authority now fully acknowledged. The right, however, seemed to be of much higher antiquity, and had not been exercised sooner only because there were but few cases in courts of equity, before the Restoration, and sittings of parliament were not frequent. There was, however, another part of the judicature, of which the noble lord had said nothing: the writs of error from Ireland to the King's-bench, and from thence to the House of Lords. They were as ancient as the common law, and established with it in Ireland. Both countries having the same common law, the uniformity of it could not be preserved without a supreme judicature common to both; and this point he thought of the utmost importance to their future connection. The fair and equal administration of justice in the last resort, was acknowledged by all Ireland, and without any disrespect to the Lords of that country, it was very reasonable to suppose, that men would not be disposed to change that, which the experience of half a century had proved to be unexceptionable. The only circumstance that could induce a wish for alteration in this respect, must be, an apprehension that the judicial authority had some necessary connection with the legislative, which a little reflection would shew to be a fallacy, and indeed some of the able writers for the independence of Ireland, had themselves proved it to be a false argument. He concluded, therefore, that the motion ought not to be for a total repeal of the 6th Geo. 1, and that the measure ought not to be unqualified.

The next point was Poyning's law, on which he observed, that it was a great mistake to suppose, that every difference in form between the constitutions of Great Britain and of Ireland, implied the inferiority of the latter: that sir Edward Poyning's laws were a wise system, and intended chiefly for the benefit of Ireland; the form of passing Bills there, was adapted to the situation of a country that was not the seat of government. Here, for obvious reasons, there was no inconvenience in offering Bills that had passed

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both Houses, for the negative or assent of the crown. The alteration of Bills proposed by either House in Ireland, did not take away from their power, but only offered to their consideration such modifications as were thought expedient, but which, without their full consent, could have no effect. It did not impair the fundamental right of either House to give or withhold its assent to any law proposed, but it only retarded the too rapid progress which Acts might sometimes make, especially such as were moved upon the spur of an occasion, and he thought, that independent of all considerations of the connections between this country and that, such a form of proceeding was most expedient for the local circumstances of a country, remote from its sovereign. Experience had, in his judgment, proved the utility of it to Ireland, in a great variety of instances. The contest about originating *Money Bills* in the Commons or in the privy council, he held, as the noble lord did, to be very frivolous, and not fit to be maintained on the part of government; but that point was no part of sir Edward Poyning's law, which, extended as it was by an Act of Philip and Mary, was now, and he hoped would still remain, in full force. There were instances, one he believed in the time of a nobleman who had conducted the government of that country with equal ability and splendour, where the intervention of the Irish privy council was so far from being deemed a grievance, that they had been thanked for stopping a Bill; and he knew there were later instances, where the same thing done by the privy council here had been very popular in Ireland. He desired their lordships would weigh well the consequences of this important law. Ireland is a dominion of the crown of England, and not a distinct country under the same sovereign: the executive power of this state holds the supreme authority of that, and the acts of his Majesty, with regard to that country, must be the acts of the King in council. Unfortunate will it be for both, should that situation ever be changed; and should it ever be understood that Ireland is only held as of the person of the King. How that relation is to be maintained, when so essential a part of the executive power, as the giving sanction to laws, is reduced to a bare negative, he had not the power to imagine. Surely, when the old ties which held the two countries to each other, were to be loosened, it behoved men to consider by what new means they were to be held together. Ireland declares that she is willing to share one fate, and he believed the profession was as sincere as it was generous. But by what means was this to be secured? how were we to unite in one commerce, one peace and war, one fate? How to guard against the possibility of jarring interests? Were treaties of peace or trade, and of alliance, to be the equal business of both parliaments? On what was it to depend, whenever there should be any army in Ireland? And what that army should be? At present it could not exceed a certain number, 15 or 16,000, under the controul of a British act. Might it be increased without the approbation of this parliament? He recommended to the consideration of the noble lord in the blue ribbon, to settle and adjust some solid security for these essential points, before all was agreed on the part of Great Britain. Though nothing could be more amiable in private life than that open, frank, and generous manner which the noble lord stated to be the line of his conduct, and all that was worth obtaining might be expected from a return of gratitude: yet, where the interest of millions was concerned, and where it was necessary to deal with great bodies of men, it behoved those to whom such affairs were entrusted, to act with more circumspection, and with less confidence. He had no doubt of the force, nor of the sincerity of the affection which the people of Ireland bore to England. But the arrangement of the political interests of great communities was not a matter of sentiment. It was wise in both parties to settle them on explicit terms, and it could give no just offence to either, that the other proceeded with a reasonable degree of political prudence.

The fourth article of complaint was the perpetuity of the Mutiny Act in Ireland, which he did not conceive could be ranked as a grievance. He hoped, that whenever England armed, Ireland would be armed; if ever England should find it possible to disarm, Ireland would do the same. The Mutiny Act did not create nor authorise an army, but supposing an army to exist, and its existence, he trusted, would always depend on the judgment of this country, on which Ireland would confide, the Mutiny Act regulated its discipline. But of what nature was that supposed grievance? Ireland had passed the Mutiny Act, and he believed, from the newspapers, had this very session, by a great

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majority, refused to repeal it. Was it then a grievance, that laws of their own should be suffered to have that effect which they had repeatedly thought fit to give them. He concluded with beseeching the House to proceed with due deliberation, and not rashly to adopt resolutions without a full knowledge of all the consequences that might attend them.

The Earl of *Shelburne* disclaimed the idea of treating England and Ireland as distinct dominions, united under one sovereign. A doctrine so dangerous and unconstitutional had never entered into his mind; nor was it to be found in the addresses of the Lords and Commons of Ireland, which expressly declare, that they desire all Acts may pass under the great seal of Great Britain. The King, therefore, as the executive power of this country, will still hold the sovereignty of that, and all acts of state flow, as before, from his Majesty in his privy council of Great Britain. He had taken no notice of writs of error, because they were not mentioned in the papers on the table; but he assured the learned lord, they had not escaped his consideration. They were, he believed, of great antiquity in the constitution, and neither they, nor the appeals to their lordships, had been detrimental; but, on the contrary, beneficial to Ireland. An uniformity of laws was undoubtedly a great bond of union between two countries, and many persons of great property and authority in Ireland, were disinclined to any change in the judicature; but he thought that this consideration most affected themselves. If they wished to take away the writ of error, or if it was a consequence of taking away the appeals, he did not think it a point which we were much interested to contend. Scotland and England had been, and would always be, he hoped, most perfectly united; and yet the learned lord well knew their laws were not the same. It had been objected that the resolutions were conclusive, and binding upon the House; for his part he meant to be bound by them. He thought it necessary to declare at once, and directly, what we intended to give, and he had great confidence in the liberal gratitude of Ireland, for the adjusting all matters that might remain to be settled between the two countries.

Lord *Loughborough* said, that it must have been an inaccuracy of expression, if any thing that fell from him could have conveyed, that he had imputed to the noble lord the idea of England and Ireland being united as distinct dominions under one sovereign. Neither did he suppose that this was the idea of those who had framed and promoted the addresses on the table: their intentions, he believed, were as fair as their professions were loyal to his Majesty, and affectionate to this country. His argument was, that without its being the intention of either party, this would be the result of the changes proposed, if carried to their full extent, and without any check to controul their operation. He had therefore pressed it on the consideration of the House, and of the noble lords in office particularly, to examine carefully, and to weigh well the consequences of the measures now proposed for immediate decision. He did not yet see what could avert consequences allowed to be so fatal, or how, when the judicial power was renounced, and sovereign authority reduced to a mere negative upon Bills, and the government of each country to move in perfect equality and independence, his Majesty would be king of Ireland in any different manner than he might be sovereign of any other separate territory. The contiguity of the two countries would preserve a more constant intercourse between the subjects of both, and the communion of rights unite them more closely to each other; but it was a possible case that their political interests might hereafter be supposed to be opposite, for we know that it had heretofore been so; and false as that opinion had always seemed to him, it had notwithstanding obtained a great influence on men's minds, and directed their conduct. In such a case, what was there to prevent their disunion? or how could the sovereign of both be supposed to act with an equal affection to each?

Lord *Camden* wished that no debate had arisen on this subject, for unanimity would give great effect to all their measures. He spoke much of the virtues and of the increasing prosperity of the Irish. The question on their right of legislation was involved in darkness, if it was treated as a question of antiquity; but as the times had obliged them, in all countries, to consider such questions in the abstract, and to examine into the just origin of power and government, there all was clear and plain. No laws could be just, but such as had the consent of the people, and all distinctions on the head of internal or external regulations had been tried, and

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were vain. The doctrine was general and unlimited. He did not quite apprehend the learned lord's idea on this subject; he had said, that the right of this legislature to bind Ireland was never to be asserted. Why, then, was it to be retained? The possession of a right never to be asserted, was, in his opinion, of no value to any man, or any state; and why, then, should the learned lord object to the repeal of the Act, declaring such an empty right? Would the learned lord say distinctly what he meant to grant to Ireland, and how far he would resist their claims? If not, to object to what was proposed, without marking out any other line of conduct, was no satisfactory information to the House, nor agreeable to the learned lord's understanding, which was by no means indecisive. As to the right of judicature, how that came to be exercised there, it was not *difficult* to form a probable conjecture. The Irish at first were unacquainted with the law of England; they had their Brehon law founded in barbarism; the resort to this country was then obvious; but how much was the case now altered? they had a House of Lords, consisting of men of great wisdom, knowledge, and integrity, assisted by their judges, presumed to be qualified to advise in matter of law. How tedious and vexatious a course it was to proceed from their Common Pleas to their King's-bench, from thence to the King's-bench in England, and at last to their lordships! What delay, and what oppression to the poor, when they might have that great advantage of the English constitution, justice, administered at their own door! After all, how did this right concern us? What advantage was there in taking the trouble of deciding men's law-suits for them, if they did not choose it? For his own part, he thought this a matter wholly for the consideration of the Irish, and perfectly indifferent to this country.—With regard to Poyning's law, he shewed how often Bills were mangled in either privy council, in such a manner as to defeat the effect of them entirely. He instanced particularly a Militia Bill, the treatment of which, he said, had given rise to the volunteers. He wondered that it should have been supposed the King's negative was affected by any alteration of Poyning's law; that would still remain an essential part of the constitution, to be exercised by advice of the privy council. He declared himself a strenuous friend to the monarchy, and though he was as good a Whig, and as zealous for the rights of the people, yet he would always support the just prerogative of the crown, which was interwoven with every part of the constitution. If he should have the honour to serve his Majesty in his present office, great part of the charge of supervising the Irish Acts must fall upon him; and he did assure the House, that he should most diligently attend to that duty, and should in no respect be afraid to resist any improper Act, or to advise his sovereign to make use of his negative on any proper occasion. The Mutiny Act he considered as a matter of very small consequence, anomalous in its form, and unseemly in a free state; and he concluded with advising their lordships to look to the danger of the present moment, to the armed condition of Ireland. The requests now made were not the voice of the parliament alone, they were proposed from every part of the kingdom; parliament not only echoed the voice of a brave and an armed, but a generous people. It was not a time to hesitate, to delay, to stand on nice form. The demands were made, and he dreaded what might ensue if they were not complied with.

Lord *Loughborough* said, that the learned lord had not apprehended what he flattered himself he had stated in most explicit terms, as to the claim of free legislature, and which he would endeavour to repeat. He had said, that the right of this parliament to bind Ireland, he thought never ought to be asserted, much less exercised, and therefore, that he had no objection to repeal in this respect, the Act of the 6th of George 1, that he should have given a silent vote for leave to bring in the Bill, and in every stage of it should have voted for that Bill so confined; but he objected to a resolution that the Act ought to be repealed without any exception, because such a resolution he took to be unparliamentary, and avoiding all the forms of first, second, and third reading. The learned lord had called upon him to say what he would grant, and how far he would resist the demands of Ireland. He was ready to answer, that he would grant nothing to Ireland merely on the argument that it was demanded, and he would grant every thing on the ground that it was reasonable. He did not assume to himself any greater firmness than others possessed in this degree of resistance, for it was founded on the just confidence he felt in the temper, affection, and wisdom

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which the Irish had manifested in all their proceedings. He was from thence convinced, that it was only necessary to satisfy them that the intentions of this country were friendly and were fair, of which the unanimous disposition to repeal the 6th Geo. 1, was a sufficient pledge, and the Irish would conceive no jealousy that the deliberation with which we proceeded was hostile to their interests: that to grant in any other manner would only lessen the value of the gift, by humbling the giver, and it would be absurd to expect a return of gratitude for any favours so conferred. He desired their lordships would recollect that they had an interest in the welfare of the people of Ireland, and ought to be satisfied that what was asked or proposed, was really advantageous, and with respect to their judicature, it was a duty they had no right to abdicate, or decline it as a trouble.

Viscount *Townshend* said, the Irish had been amused and deceived, and he was perfectly satisfied that nothing would so effectually tend to throw both kingdoms into a state of confusion, as procrastinating matters; whatever was done should be done with a good grace, for he was convinced, that nothing so effectually led to the present situation of that country as breaches of good faith on one side, and a want of confidence on the other.

Lord *Ashburton*, in a short but pointed speech, removed the most material objections urged by the learned lord who spoke before him. He particularly insisted, that the resolutions, such as they were, should now receive a negative from their lordships, or their immediate approbation, for he was totally against procrastination at so pressing a crisis.

Lord *Hawke* approved of the resolutions. He took an opportunity of speaking very favourably of the Irish nation, whom he represented as loyal, brave, and, he believed, most firmly attached, from interest and sentiment, to this country.

The Duke of *Leinster* spoke in support of the resolutions, and entered into an historical narrative of the first beginnings of the armed associations, the general conduct of government and parliament to the present time, and declared his opinion explicitly, that nothing would content the Irish but the repeal of Poyning's law, and the Mutiny Bill, with a specific recognition of their right to legislate for themselves, and to acknowledge the power of no foreign judicature or legislature whatsoever.

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The Duke of *Chandos* spoke on the same side, and blamed the late ministry for their alternate duplicity and neglect. He assured their lordships, that although he possessed a considerable property in that kingdom, it had no influence on his conduct, nor would affect the vote he might give that night. He knew the interests of both countries were inseparable, and that whatever materially injured or served either, must affect both.

The Duke of *Richmond* recommended unanimity as absolutely necessary, and said, the resolutions were maintainable on the ground of policy. He disclaimed the argument of granting from fear.

The Resolutions were agreed to.

*Debate on Mr. Sawbridge's Motion for Shortening the Duration of Parliaments.*] Mr. Alderman *Sawbridge* said he would not, at that late hour, trouble the House with any long speech on a subject which had so frequently come before them, but just speak to the propriety of the measure now, which he did very forcibly, and concluded with moving, "That leave be given to bring in a Bill to shorten the duration of parliaments."

Mr. Alderman *Bull* seconded the motion.

Mr. *Rigby* said, he always had uniformly voted against the motion, and he always should, as he did not believe it was either the sense or the wish of the people of England. He contended, that it was a subject on which almost every place differed, and it was difficult to collect the sense of the nation on the subject; in short, it could not be done so well as by taking the sense of that House, who were the representatives of the people; for to endeavour to judge from petitions was a farce; he knew how petitions might be obtained, and they generally spoke their own sense, but not that of the county or city from which they came; he ridiculed the late meeting in Westminster-hall, and threw out an inuendo, that the best sense of the electors could not be heard that day, as on former occasions, on account of Mr. Fox not being present, which directly drew up

Mr. Secretary *Fox*, who declared that the reason of his not attending that numerous and respectable body, was on account of his knowing that the chief intent was to address his Majesty on the change of his ministers, and as he was one of them, he scarce thought it decent

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to go and take the chair. The right hon. Secretary then entered very fully into the question before them, and spoke for near an hour in support of it: he was certain, he said, it was the wish of the people, and was a measure that they would have. He said, the hon. gentleman, who spoke last, had desired to know how you could collect the sense of the people; why, let him look at Ireland; see how the sense of the people was collected there; and a proof that parliament did not always speak the sense of the people, was to be seen by Ireland, where parliament had spoken a direct different language, which had occasioned them to arm, and insist on their rights, as they had done; but it was the fatality of this kingdom, never to open her eyes until her ruin was near, and there was a fear of every man taking up a musket. He should vote for the present motion, as he believed it to be the wish of the people; but whether it would produce the desired effect, he had his doubts.

Mr. *Powys* was firm in opinion, that the Bill wished for by the worthy alderman, would tend to corrupt more than to prevent any thing of the kind; nor did he think it was the wish of the people; therefore he should, in order to get rid of the motion, move that the House do adjourn.

Sir *C. Turner* defended the original motion, and declared, that however the hon. gentleman might ridicule the meeting in Westminster-hall, he would be free to tell him, that there was more good sense uttered there, and to a much honester audience, than ever he witnessed in that House in his life. The people who attended in Westminster-hall, did not come for hire and to get places, they came to assert their rights, and defend their wives and families, which they had a right to do.

Sir *Horace Mann* was against the motion, even though it was approved by his constituents, for he did not think himself bound to obey them in large constitutional questions; he was firm in opinion, if the Bill intended was suffered to pass, we should never have any foreign connections; for who would trust to a parliament that was liable to be changed, and might most essentially differ every 12 months?

Mr. Alderman *Townsend* spoke in support of the original motion, and shewed what power a corrupt minister made, by having a parliament of the present length. A few years back, parliament came to the resolution, that the influence of the crown had increased, was increasing, and ought to be diminished; and when a question, in consequence of that resolution, was to come on a week afterwards, such cogent reasons had been applied by the minister to parliament, that they were of a different opinion, and for fear they should relapse into their former virtue, the parliament was dissolved very unexpectedly. That the people of England wished for the success of the motion might be seen, by looking at the meeting of York, Westminster, Middlesex, Essex, Surrey, &c. and he would be bound to say, that the majority of the people of London, who went every length with the late ministry, were strongly in favour of this, and to suppose they were not, would be ridiculous. Could any man suppose, that when 6,000 persons out of 300,000 chose a majority of that House, it could speak the sense of the people? No, it was impossible, it was absurd to think of; and indeed some part of that House had no constituents, they only spoke their own sentiments; and instead of parliament sitting for the good of those that returned them, they sat to fatten on the spoils of the people, who were left to starve and help themselves.

Mr. *W. Pitt* spoke in support of the motion, and said, it was plain that long parliaments caused undue influence; for the ministers who made use of undue influence always had uniformly opposed the present motion.

Mr. *Burke* said, as he had on a former occasion spoken upwards of three hours on the subject, he would not trouble them long then, but content himself with declaring his hearty negative to the motion, as dangerous, and by no means the wish of the people; and indeed, if it were, he would freely caution them against it, as ruinous to their own happiness.

Sir *F. Basset* spoke against the motion, as a ruinous and destructive measure, that would tend to promote frequent broils; before a man could be well seated, his place would be again vacated.

Mr. *Hill* confessed, that as the motion was of so doubtful a nature, with respect to whether it would produce good or harm, he should vote against it.

Lord *Althorpe* said, he did not wish to reject the motion: though at the same time he was not prepared upon the subject; he could wish to take the sense of



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his constituents; for which purpose he should second the motion of adjournment.

The House divided on the original motion: Yeas 61, Noes 149.

*Debate in the Commons on the Vote of Thanks to Admiral Rodney.*] May 22. Mr. Secretary *Fox* expressed his confidence that the great and general joy which had filled the city on Saturday, at the glorious tidings from the West Indies, had not been more cordially indulged by any part of the community than by the members of that House: whoever had considered the gloomy situation of public affairs, and the melancholy prospect which our operations in the West Indies afforded some time ago, and compared it with the bright prospect which now opened to our view, must feel the most lively sensations of joy and of gratitude, to the able and gallant officer to whom the happy change in our affairs was imputable. The success which had attended that great commander was not of the nature to dazzle for the moment, without securing any real or permanent advantage: it was brilliant indeed; but the advantages likely to flow from it were great: the victory gained by sir George Rodney on the 12th of last month, had given us a decided, and he hoped, a permanent superiority in the West Indies: to say that this victory was the most splendid of the present war, would be saying little; it was perhaps the most brilliant that this country had seen this century; and what added to his joy on the occasion was, that the advantages arising from the victory were as solid as the victory was splendid. It was remarkable that this was the third time that sir George Rodney had been held up to that House as an object deserving their thanks; once in the last war, and twice in the present; he had earned the thanks of that House once already in the present war, by gaining a most complete victory over one powerful branch of the House of Bourbon; there remained still for him to triumph over the other, still more powerful, what was vulgarly called our natural enemies: this he had lately done in the most glorious and complete manner; he had sent one ship of the enemy's line to the bottom, and taken five; and among those were some of the largest and strongest that ever sailed from a port of France; and that the victory might be the more splendid, and its authenticity the more established, the commander in chief of the French fleet had been made prisoner. It would be needless for him to expatiate upon the greatness of the victory; no one could be a stranger to it: all that we held dear in the West Indies, all that we held dear in America, depended upon it; and all was saved. It was with peculiar satisfaction he could inform the House, that every letter from the fleet under sir George Rodney, breathed the most perfect harmony and unanimity; no contest was to be found throughout, but to try who should be most forward in the public cause. He concluded by moving, "That the thanks of this House be given to sir George Brydges Rodney, baronet, knight of the most honourable order of the Bath, for his able and gallant conduct in the late most brilliant and decisive victory obtained over the French fleet in the West Indies, by the fleet under his command."

Lord *North* felt peculiar satisfaction in rising to give his public concurrence in a vote of thanks to an officer who had so ably and so gallantly maintained the honour of his country, and rendered it such essential service, by his famous victory of the 12th of April; a victory which with all its circumstances considered, might be said to be the greatest, not only of the present war, but perhaps the greatest ever recorded in the naval annals of this country. He had once moved the thanks of the House to sir G. Rodney, for the signal service he had rendered his country by the defeat of the Spanish squadron; it must therefore give him singular pleasure indeed, to concur at present in another vote of thanks to the same officer, for a victory still more brilliant, more important, and more beneficial to this country; a victory of which he ought not to speak but in terms of the highest applause: the motion, he said, had very properly come from a member in the service of the crown; and as it was from such that motions of that kind ought to come, he would not make any on the present occasion; but he would suggest to the right hon. mover the propriety of extending the thanks of the House to the flag officers who had served under sir George, and contributed so largely to the great victory, which had so justly spread a general joy through the nation: to the merits of sir Samuel Hood no man in that House could be a stranger; he had himself been a commander in chief in more actions than one, had, as such, signalized himself in the ser-

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vice of his country: he had engaged comte de Grasse with a very inferior British force: and had acquitted himself in a manner highly honourable to himself and his country: the British fleet might have been, perhaps, somewhat superior in the late engagement to that of the French; but he was convinced that it had not been in any degree as much so as had been that of comte de Grasse over the English fleet when sir Samuel Hood so gallantly attacked that admiral on two different occasions: the services of rear-admiral Drake, on those occasions, ought not to be forgotten: and no one could refuse thanks to commodore Affleck, of whom sir George spoke so handsomely in his public letter.

Mr. *Fox* thanked the noble lord for his suggestion, and also for the handsome manner in which he had left it to the servants of the crown to move what would come from them with a much better grace than from any other person. He had not the least objection to move thanks to the flag officers under sir George; and he would take the liberty of making this the subject of another motion.

Mr. *Rolle* asked if it was true that sir George was to be superseded in his command in the West Indies?

Mr. *Fox* replied, that he had been recalled, and another officer had been sent out to succeed him in the command.

Mr. *Rolle* then said, that he would move for an address to his Majesty, that he would be pleased not to remove sir George from his command.

The *Lord Advocate* recommended the hon. member not to make any such motion; it would be intrenching upon the prerogative of the crown, and deviating from the rules that should guide and direct parliament: as long as ministers had the full enjoyment of appointing officers to command, so long they were responsible to parliament for such appointments; but if that House should interfere, and point out who should, or who should not be employed on this or that command, it would then take responsibility upon itself, and of course remove it from the place where it ought to rest—the shoulders of ministers. It was the peculiar duty of parliament to censure and controul, not to direct the measures of the executive power. These were his general principles, unconnected with the idea of the recall of sir George Rodney, on which measure he was not ripe to give an opinion; as far, indeed, as he could see at present, he thought that sir George ought not to be recalled; but he did not know upon what grounds the servants of the crown had advised the measure. No man thought more highly of the victory gained by that officer than he did; no man felt more gratitude to the gallant commander who obtained it: when he rose therefore to deprecate such a motion as the hon. member said he intended to make, he hoped it would be thought that it was a regard solely for the constitution, and not any want of respect, or gratitude for our able commander.

Mr. *Rolle* gave up the point; but he said he would move an address to the crown, to bestow some peculiar mark of favour on sir George Rodney, that his services might have some better return than empty thanks.

The *Lord Advocate* again interfered; he said that by the constitution, the crown was vested with the power and right of conferring rewards, and distributing graces; such a motion would be dictating to the crown what ought, and he made no doubt would, flow from the benignity of his Majesty; and it was the less necessary for the House to interfere, as it was to be presumed, that the servants of the crown would take care to give such advice on such an occasion as it would become a grateful master to pursue.

Mr. *Fox* thanked the learned lord for the doctrine he had laid down, to which, as strictly constitutional, he most heartily subscribed: the appointment of officers was a prerogative of the crown, which he would never consent to see abridged, or controuled: and whenever he should be called upon by any man, or by any number of men, short of the majority of that House, to explain why one officer had been preferred, or another recalled, the only reply he would ever make on that head should be, that, for what appeared to him wise and prudent reasons, he had advised his sovereign to adopt such a measure; and though he should have such reasons as all the world should approve, he never would give any other answer, unless called upon by the House; for though he was an enemy to the influence of the crown, he would always stand forward to support its just and constitutional prerogative.

Lord *Fielding* could not view the recall of sir George in any other light, than as a measure highly injurious to the public

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good; for without entering into an enquiry into the merits of the officer who was to supersede him, he conceived it to be a very strange measure indeed to recall, from the command of the fleet, an officer under whom that fleet had been accustomed to conquer; an officer who had taken four flags from our enemies, and 14 sail of the line: an officer who deserved so highly of his country, ought to meet with some better return than a disgraceful recall.

Mr. *Penton* suggested the propriety of including the name of sir Charles Douglas among the flag officers, who were to be thanked; his rank, as captain to the flag, was that of rear-admiral; and as such, he had no doubt but the House would think him worthy of their thanks; and the more so, as sir George had spoken so highly of him in his dispatches.

Mr. *Fox* said, that he would most readily agree that sir Charles should be included in the vote of thanks; his merits, undoubtedly, challenged that mark of respect; and if he had not thought of giving it to him at first, it was because he did not know the etiquette of the service on that head.

Captain *John Luttrell* feared that voting thanks to one captain in a fleet where so many captains had distinguished themselves, would make an invidious distinction, where none ought to be made; for though sir Charles was deserving of every good thing that could be said of him, still he was no more in that fleet than a captain.

Governor *Johnstone* said, that formerly the captain to the flag enjoyed the rank of a rear-admiral, but that of late years it had not been strictly the case; for it was now necessary that the King should issue his proclamation, to entitle the flag captain to the share of a rear-admiral, in the distribution of prize money: however, it was generally understood, that, next to the commander in chief, the captain to the flag had the chief merit in all the manœuvres: for the truth of this he appealed to rear-admiral Campbell, who had filled the post of captain to the flag on many occasions; he appealed also to rear-admiral Kempenfeldt, who had filled the same post. As to the motion then before the House, he most cordially assented to it; he had the honour to claim an intimate friendship with the gallant veteran, who was the subject of it; he had cultivated that friendship when very few others thought it worth cultivation, in the moment of that brave officer's distress; but with respect to this he had been since repaid ten thousand times over: the success of that bold and enterprising admiral had been such, that it might be truly said, that he seemed to be a chosen instrument in the hands of Divine Providence, to direct the arms of this country, and humble her enemies; it had been his good fortune, and such as no other British admiral had ever been able to boast of, to have taken four admirals his prisoners: and to have defeated the designs of the enemies of Britain, at the time she stood most in need of victories; to such an admiral, therefore, that House would readily vote thanks; but he could have wished that the motion for thanks had come from some other quarter, and not from those servants of the crown who had disgraced the gallant admiral by recalling him. Sir George Rodney he knew would always set a proper value on the thanks of that House; but he was satisfied, that they could not be as acceptable to him, when originating from a quarter that had put upon him the disgrace of a recall: nothing in his opinion could be more insulting, than that at the same time that sir George should receive the thanks of the House, he should receive also the mortifying notice of his recall. The hon. member had said, harmony and unanimity had reigned throughout that admiral's fleet; was this the reason for recalling him? Was it because the officers and men loved, respected, and revered the gallant admiral, who had led them on so often to victory, that he was to be torn from them? The thanks of the House, at any other time an object of an officer's ambition, must, on such an occasion, be an insult; for to thank, and disgracefully to recall at the same time, could be nothing better than an insult.

Mr. *Fox* said, he never would consent to the idea that recalling an officer was disgrace; it was no such thing; he disclaimed the idea; it was impossible that he could entertain prejudices against the character of sir George Rodney: if he had ever entertained any, his glorious behaviour on the 12th of April would have blotted them out of his memory: it would have driven every impression of distrust from his mind; and he should have thought as warmly, and with as much reverence of his character, as that hon. gentleman who had boasted of his friendship for the honourable admiral, at a time when he had few other friends. It was for the

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credit of the hon. gentleman to have entertained that friendship; but it was not much to his credit now to speak of it. However, for his own part, he could say that no prejudice should prevent him from acting with justice; he should always give way to the corrections which men might give to his opinions, by performing great and signal services. Even if the hon. gentleman on the other side of the House, against whom he might be supposed to entertain some prejudice, should ever deserve the thanks of that House, he should be happy to move those thanks, forgetting and overcoming all prejudice, if he should entertain any. So far from believing that the hon. admiral would consider the thanks of this House as coming to him with less respect, because they were moved by his Majesty's ministers, the only means by which they could come to him diminished in value, were those which the hon. gentleman, who called himself the friend of the admiral, was using to disturb the unanimity of the House on the question; but he was happy to see, that the House was unanimous, all except the hon. gentleman, and he hoped it would not be effectual to the purpose of lowering the quality of the vote of thanks.

The Speaker then put the question on the motion for thanks to admiral Rodney, which was carried *nem. con.* He next put the question on a motion from Mr. Fox, for thanks to sir Samuel Hood, rear-admiral Drake, commodore Affleck, sir Charles Douglas, and the rest of the officers of the fleet, under the command of sir George Rodney, &c.

Captain *John Luttrell* observed, that it would be ungenerous and ungrateful, in voting these thanks, to forget that there were other persons besides the officers, who deserved thanks, and these were the seamen on board that fleet, who by their bravery and discipline had so effectually seconded the skill and intrepidity of their commanders.

Mr. *Fox* took the hint, and moved, That this House doth highly approve, and acknowledge, the services of the seamen, marines, and soldiers on board admiral Rodney's fleet, and that the captains of the said ships do signify the same to their respective crews.

*The Budget.*] The House being in a Committee of Ways and Means,

Lord *John Cavendish* rose for the first time as Chancellor of the Exchequer, to propose other taxes in the room of some of those which had been proposed by his predecessor. His lordship descanted upon his inability to discharge the duties of his office as ably as he wished; but as it had been remarked of his predecessors in office, that common sense and common honesty would go a great way in the discharge of the duties of that employment with which he had been honoured, so he hoped, that in these two requisites, he would not be found deficient. He then said, that the tax upon places of public amusement would at best bring in but a small sum, having been estimated at no more than 30,000*l.* the collection would cost a great deal, and the tax itself raise a clamour in the nation: he was therefore of opinion, that such a tax ought to be laid aside, while there was a possibility of finding out another. As to the tax on the land carriage of goods, great objections had been made to it, and he believed very justly: he was ready indeed to admit, that, if the tax did not totally destroy trade, the revenue arising from it would be infinite: but as, in his opinion, the trade would be ruined by it, so he thought the tax ought to be renounced. The taxes he intended to substitute in the room of the two he had mentioned, would bring in, he believed, 400,000*l.* a year, but he would not take them at more than 380,000*l.* His first tax would be an additional toll on turnpikes, of 50 per cent.; so that where two pence were now paid, three pence would be paid in future; the treasurer of the county, on trust, to receive the toll, and pay it into the Exchequer; so that little or no expence would attend the collection. He had sent a person from London to the north, and the eastern counties, and from the returns by him, he found that in 19 counties, the sum this tax would raise, would amount to 203,000*l.* which he would not take at more than 180,000*l.* In this calculation he did not include all the south-west parts of the kingdom, nor the counties of Warwick, Gloucester, Somerset, &c. which would bring in about 100,000*l.* more. This, he said, would be much more productive than that which had been proposed by the noble lord who had preceded him in office; and yet would be more than half less burthensome to the public. According to the former plan, a waggon travelling to York would pay 2*l.* 6*s.* 8*d.* but according to the new one, it would pay no more than 17*s.* 6*d.* On four-wheel carriages he intended to lay an

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additional duty of 20*s.* so that the whole would in future amount to 6*l.* 10*s.* per year: from this tax he expected to derive about 16,000*l.* a year. And on water carriage, he intended also to impose a small tax, namely of 2*s.* per ton, per year, on every barge or vessel employed in the inland navigation, and coasting trade: from this he expected 16 or 20,000*l.*— Lord John concluded by moving resolutions on these different heads.

The Resolutions were agreed to.

*Debate in the Lords on the Vote of Thanks to Admiral Rodney.*] May 27. Lord *Keppel* began with remarking, that there was little necessity for him to say much in excuse for not sooner bringing the matter forward, which he should have the honour to propose, because the House, their lordships well knew, had not sat since the news arrived of one of the most important victories, that the annals of this country had ever been distinguished by. The conduct of sir George Rodney, in the late action in the West-Indies, in point of attention, ability, and bravery, he declared as a professional man, had not only been uncommonly brilliant, but likely to prove of the most solid advantage to us. Had not the noble earl, who would have been the more proper person to have announced that business to the House, been too unwell to be able to attend, his lordship said, it would not have fallen to his lot to have made the motion he meant to conclude with; he had, however, from that noble earl, full authority to declare, that in his opinion too much praise, and too high a reward, could not be bestowed on sir George Rodney, for the very important services he had rendered his country. The behaviour of the admiral, all through the business, deserved equally the admiration and gratitude of every man in the kingdom; the care and attention with which he watched the French fleet while in port, the activity and spirit with which he pursued them, the instant they left the harbour, and the good conduct, attention, and valour, which he exhibited in a battle, fought not for one day only, but which, from beginning to end, took up several days, and was at last crowned with the most glorious success, altogether raised his character to a degree of eminence, that few of the bravest officers had ever reached. There might have been advantages derived from fortune in the event of the action, but, abstracted from every consideration of that kind, sir George Rodney had behaved so judiciously, and so gallantly, that he merited much stronger eulogiums than he had it in his power to make. No officer, however brave, could force such an opportunity as sir George had experienced, of proving his ability. It depended entirely on the mutual desire of the commanders of both fleets to fight fairly, and to pit the strength of one squadron against the strength of the other, so as to leave the issue of the day, to the trial of skill and of conduct in the commanders, and the trial of firmness and bravery in the seamen. Such had been the manner in which the British and French fleets had met; and sir George Rodney, greatly to his own honour, and his country's advantage, had proved himself and his seamen greatly and gloriously superior to the enemy in point of conduct, intrepidity, and spirit. He trusted, therefore, that every one of their lordships would readily concur in the Resolutions which he should offer: 1. for thanking the commander in chief; 2. for thanking sir Samuel Hood, admiral Drake, commodore Affleck, sir Charles Douglas, and the rest of the captains and officers of the fleet; and, 3. for approving the conduct of the seamen, marines, and troops, on board the fleet. The noble lord moved the first resolution.

The Earl of *Sandwich* rose to express his hearty concurrence in the motion. His lordship declared he felt himself obliged to trouble the House with a few words, in order to remove the prejudices occasioned by a report, which very sensible clear-minded men had listened to with attention, and by which the world in general might be impressed, much to his disadvantage, and to that of those with whom he had lately had the honour to share in the administration of public affairs. What he alluded to, was, a report that the recall of sir George Rodney, which was generally believed had been sent out to him, was the measure of his Majesty's late ministers. The contrary was notoriously the fact. So far from recalling sir George, he should not have so much as thought of such a measure, had he continued in office. He had always the highest opinion of that officer's ability and bravery, and it gave him inexpressible satisfaction, that the occasion of the present motion so amply fulfilled all the favourable opinions he had so long entertained of sir George's merits; opinions

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which he had expressly declared in that House years ago. He reminded their lordships, that this was the third or fourth time that sir George had received the very high honour they were now about to vote him, and that he had taken no less than three flag officers, a French admiral, a Spanish admiral, and a Dutch admiral. These were instances of merit and success, which it had fallen to the share of no one other commander to exhibit, and therefore they could not fail to render sir George deservedly popular and dear to his country. His lordship, after strongly pressing those great circumstances of character and credit to sir George upon the House, said, he had ever held it to be unwise and improper for either House of Parliament to interfere with the executive government in the appointment of officers, or their recall; he therefore would not now make any motion whatever respecting the recall of sir George, but without meaning to *trouble his* Majesty's present ministers with the least opposition; but, on the contrary, intending to support them to the utmost of his power on the present motion, and in every other constitutional measure they should propose, as he was upon his legs, he would beg leave to give them his advice, and to tell them fairly and fully what he would do himself, were he in the situation he had formerly had the honour to hold. Undoubtedly he would not recall sir George; but, on the contrary, if a recall had been sent out, he would think it wise and necessary to dispatch a swift-sailing frigate to the West-Indies, to countermand any such orders, and to leave the command there in the very able hands in which it was now placed. Let their lordships recollect only what had been the conduct of sir George as an admiral. He had last war been the commander of the enterprize against Martinique, the most important possession of the French in the West-Indies, and he had signalized himself on other occasions. During the present war, when his country thought fit to call forth his services, he had cheerfully taken upon him the command of a fleet, and had scarcely got to sea, before news arrived of his having in a most enterprizing and spirited manner attacked a fleet of the enemy, and captured the commander and the greatest part of his squadron. He had, after that, taken St. Eustatius, and some settlements belonging to the Dutch, on the continent of South America; and now, after a battle of several days continuance, he had broke the French fleet, captured and destroyed eight ships of the line, and one of them a first rate, of 110 guns, with the commander in chief on board. So that, in all, he had in the present war deprived the enemies of Great Britain of no less than 18 sail of the line, 16 of which he had added to the navy of his country. Such success, and such advantages, had followed the efforts of no one of our commanders before. Surely, therefore, the service would not be benefited, nor the people of England at all pleased, with having so gallant and so fortunate an officer recalled; he himself must, besides, feel that he was disgraced, having a junior sent out to supersede him, and take from him his command, as it were, in the moment of victory. His lordship said, he was aware, it might be objected against what he had suggested, that he could not with certainty know, that any recall had been sent, or would be sent out to sir George Rodney. Most certainly, what he had spoken upon the subject was founded upon mere rumour; that rumour was, however, generally credited, and he should be exceedingly happy to hear any of his Majesty's ministers contradict the report. He advised the King's present servants coolly to reflect on the consequence of the motion, and in what sort of manner it must be received by sir George Rodney? Before it could reach him, admiral Pigot, his junior officer, would have arrived, and by the orders he brought sir George, would have convinced him, that notwithstanding all the success that his ability and wise exertions had gained for Great Britain, he had lost the confidence of his country, and was deemed so unworthy to command any longer, that it was even thought necessary to send out a junior officer to supersede him. Would any man in his senses argue, that this would not be felt by sir George as a heavy disgrace? Or, considering the very important services he had so lately rendered his country, would any man contend, that it would be wise or prudent to crop his laurels at the moment when he wore them with the greatest lustre? Besides, it was to be remembered, that the recall would not bring sir George singly, but would also deprive the public of the services of another officer, of as high and distinguished a character as any in the navy. If sir George Rodney came home, sir Charles Douglas would come home;

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for being his first captain, it was the custom for officers in such a situation to accompany the fortunes of their commander in chief, and sir Charles and sir George would undoubtedly come together. His lordship said, it was the more unnecessary to recall sir George Rodney, in order to place Mr. Pigot in his situation just now, since, if the King's servants would only wait a few months, the command would fall into their hands, because, in all probability, at the end of the present campaign, sir George would stand in need of some relaxation from the toils of war, and wish to come home. He wished not to encroach upon the prerogative of the crown. It belonged to the executive power surely to appoint those officers who were to fight the battles of the state. It was his opinion, however, that in consistency with precedent, and with the privileges of that House, it would be most prudent, and most expedient, for their lordships to advise his Majesty to continue an admiral in the command, who possessed the confidence of the navy, and had added lustre to the British flag. Whilst he wished that the most distinguished honours might be conferred upon sir George Rodney and his officers, he thought they were even entitled to another substantial proof of their country's favour. He knew that the fortune of that admiral was not considerable, and that it had been impaired by the unfortunate re-capture of St. Eustatius; he therefore thought, that whilst their lordships conveyed the sentiments of their high approbation of his conduct, they should also testify their sincerity of regard, by bestowing upon him an ample provision for life.—As he was just then in the practice of giving advice, he would offer a little more to his Majesty's ministers on the present occasion. Report had got abroad, that there was an intention to bestow a peerage on sir George Rodney. If so, he hoped that the degree of the honours bestowed would bear something like a proportion to the degree of merit which called for them. Surely, if it was thought proper to make sir George a peer, in that case his Majesty would be advised to place him above the rank of a baron: were he in a situation to counsel the crown, he should advise the creating him an earl, or a viscount at least. Let the House recollect for what services other admirals had been created peers. The two most in his own recollection, were lords Anson and Hawke. With the latter, he had lived on terms of great intimacy; with the former, he was not so well acquainted, but had always a high opinion of his merits. In lord Hawke's case, their lordships might recollect there was most ample cause for honour and reward. But still, thinking as he did of the late victory, under all its circumstances, he thought the admiral who had won it was well deserving of a more distinguished rank in the peerage than that of baron.

Lord *Keppel* shortly stated, that the whole of what his lordship had thrown out, respecting the recall of sir George Rodney, proceeded upon the vague report of the day. There was no official evidence of the existence of such a thing before the House, and it was therefore improper to dwell upon it. The noble lord had expressed a fervent wish that the most distinguished honour should be lavished upon admiral Rodney and his officers. To what cause was this zeal to be ascribed? Why did not so ardent a principle blaze forth during the noble lord's own administration of naval affairs? Were not the virtues of sir Samuel Hood known and confessed? and yet the virtues of that officer lived in the memory of his lordship, without the shadow of reward.

Lord *Hawke* observed, that the late victory had been brought into comparison with that obtained by his noble ancestor. He did not wish to diminish the glory of the one, or to heighten the splendour of the other: he would, however, take the liberty to observe, that the victory obtained by his noble relation, though it might be stated as less brilliant, was not less important in its effect. At the period it was acquired, this country trembled on account of the combined force of her enemies. 30,000 French threatened an invasion of Ireland, which had only 5,000 to defend it. Had this event taken place, it would have surely been followed up by one of a more serious nature to the interest of this country: so that the defeat of the fleet of our enemies, instead of being insignificant, had saved this kingdom.

Viscount *Stormont* gave his hearty concurrence to the motion. He dwelt at some length upon the bravery and conduct of sir George Rodney and his officers, and bestowed the most elaborate encomiums upon them. A noble lord, said he, has remarked upon the victory obtained by his illustrious ancestor. I do not wish to diminish its glory; it was



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great in itself; it was important in its consequences. The circumstances that added a lustre to its fame, were, however, different from those which gave a brilliancy to that obtained by admiral Rodney. Though superior to the enemy in force, yet he had the elements of heaven to contend against; he fought in a storm; he engaged the foe upon its own coast, and upon that theatre he conquered it. The case of sir George Rodney was different; he met a superior force in a calm; every gun was regularly and deliberately styled, and every gun told. I therefore contend, that there is no instance in the British history of a more splendid victory, taken in connection with all its circumstances; brilliant in itself, it will be equally fortunate in its consequences, as it will probably terminate that war of ambition in which the natural enemy of this country is engaged; and spreading terror over the continent, will dispose the foes of this country to listen to the overtures of peace.

The Duke of *Manchester* lamented that any thing like a comparison between the merits of sir George Rodney, and those of lord Hawke, or any other officer who had distinguished himself in the service of his country, had been that day started. He had hoped the motion would have passed unanimously, and that nothing would have been introduced, that looked so like detracting from the merits of lord Hawke, as what had fallen from the noble earl who spoke second in the debate. Since lord Hawke's action had been mentioned, he felt it incumbent upon him to remind their lordships, that there was more of the daring spirit of enterprise in that affair, even than in the late affair of sir George Rodney, great and glorious as it confessedly was. Lord Hawke had certainly saved his country by his bravery and spirit. He had encountered the enemy in a winter season, a stormy sea, and close upon their own coasts. His grace said, he was perfectly astonished at the conduct of the noble earl. He had, for the first time that ever he had witnessed such conduct, taken upon him to interfere with the executive government, and even to interfere with the royal prerogative. The appointment of officers, and their recall, ought to lie wholly with ministers, who were to be responsible to parliament, if they acted improperly in either instance. The crown also was to be the fountain of honour and of reward, and not parliament. His grace gave his hearty assent to the motion.

The Earl of *Sandwich* declared, that so far from interfering with government, he had expressly made his objection to any interference of the nature censured by the noble duke, and had therefore set out with saying, that he would propose no motion, but would merely suggest to the King's servants, what he should have thought it right to have done himself were he in power. Feeling as he did, that the recall of sir George Rodney would be extremely disliked by the whole nation, and that it would create disunion and want of confidence in government among the officers and seamen of a fleet, agreed on all hands to be united to a man, he had stated the impolicy of such a conduct, as recalling sir George Rodney just when he was in the zenith of success and victory. With regard to what he had said respecting lord Hawke, he was astonished to hear it imputed to him, that he had the least design to detract from that gallant officer's merit, or to draw any conclusion from a comparison of it, with that of sir George Rodney, that tended to depreciate lord Hawke's services in any the smallest degree. He had no such intention, and he had, previous to his allusion to the difference in point of importance, between the event and consequences of sir George Rodney's late victory over De Grasse, and sir Edward Hawke's victory over Conflans, declared his full approbation of sir Edward's advancement to the peerage, acknowledging, at the same time, the splendour of his conduct, as well as its great service to his country. Sir Edward, he was aware, fought in November, in a sea so boisterous, that one of the enemy's ships overset and went down; sir George on the other hand, fought the French fleet on a day so fine, that it was almost a perfect calm; a circumstance evident from sir George's own expression, that "every shot told." Hawke fought against a cowardly foe; Rodney against a brave one.

The Duke of *Richmond* stood up, and regretting very sincerely that he had it not in his power to attend the early discussion of the present motion, observed, that a great deal had been thrown out in his hearing, respecting the recall of admiral Rodney. He did not know upon what ground such reasoning proceeded, and did not even see but that the measure, supposing it had been adopted, might not be justified? Was not the state of sir George Rodney's health such



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as might render such a step both necessary and expedient? Had he not returned formerly in the Gibraltar at a most critical period? Though he remarked, however, upon the circumstance of his health, he by no means wished to derogate from the merits of a man who had rendered such essential services to his country. On the contrary, continued he, I view the victory he has obtained as a glorious one. It is recommended to public attention by the most striking circumstances. Other victories were obtained by fleets and armies, who placed a confidence in the fidelity and wisdom of counsellors and statesmen who managed the helm of this great empire. The present conquest, however, was obtained by a fleet who had lost their confidence in an administration which had brought this country to the verge of ruin.—His grace remarked upon the zeal of the late ministers to bestow honours and favours upon those whom they had neglected to serve during the course of their own administration. Sir Samuel Hood had surely merited some marks of distinction, and yet that gallant officer had obtained no reward. He particularly noticed what lords Stormont and Sandwich had said, of the necessity of employing officers in whom the navy had confidence. The doctrine was new in their mouths, and contrary to their constant practice in office. Their custom had ever been to drive those officers from the service, in whom the navy had the greatest confidence, and thus to deprive the public of the service of the ablest commanders. If, therefore, sir George Rodney had any more particular merit than sir Edward Hawke, it arose from this circumstance: sir Edward Hawke had a full confidence in government; the administration of affairs were then placed in such able hands, that both army and navy relied with safety on those who held the government. On the other hand, such had been the conduct of the late administration, that no officer dared trust them; and sir George Rodney, in consequence, was entitled to the higher degree of praise, for having, with a fleet dispirited, and wanting confidence in the Admiralty, done so much as he had done. His grace gave the motion his full assent.

Lord *Loughborough*, in a speech delivered with great animation and eloquence, declared his astonishment at the turn the conversation had taken, and that on such a day as that, a run should be made at the late administration. He was not, he said, the least surprised at hearing a noble lord, high in office, declare, he would give no answer whatever to questions upon subjects that House, as a House of Parliament, was perfectly competent to discuss, and which necessarily every one of their lordships had a right to suggest and propose. A noble duke had sat out with declaring, he found it difficult to say any thing worth their lordships' attention, when there was no question before the House. Was that the case? Was it unreasonable, unfair, or foreign from the subject to ask, when a question conveying very high honour to sir George Rodney for services to his country of the most meritorious and important nature, was under discussion, whether ministers who proposed such a question, either had rendered it, or intended to render it nugatory, absurd, and ridiculous, by suffering sir George, before he could have notice of the honour meant him by their lordships, to undergo the mortification and disgrace of being superseded by a junior officer, and of being obliged to entertain the unwelcome assurance, that he was deemed wholly unworthy the farther confidence of his country? Surely, so far from such a question to ministers bearing the construction that had been put upon it, it was perfectly reasonable, and in every point of view strictly necessary. A great deal had been said of sir George Rodney's merit, and though it had been allowed on all hands to be great, an attempt had been made to diminish its degree, and to damp the lustre of his glory and renown, by endeavouring to point out the conduct of sir Edward Hawke as more meritorious. Let all the circumstances of the two events be fairly considered, and he was persuaded no one noble lord would think it any injury to sir Edward's well-earned reputation, if he placed the balance of the comparison in the scale of sir George Rodney's merit. Both the officers in question had rendered eminent services to their country, and both deserved its full gratitude and esteem. But in right reasoning, comparing sir George Rodney's conduct with that of the late lord Hawke was unjust to both, because the circumstances of the two actions were distinct in their nature, and necessarily different in their consequences. The true point of comparison was to compare sir George Rodney's conduct, and the importance of the event of that conduct, with the conduct and

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consequences of any other action in the course of the present war. Upon such a view of it, it would be found to stand supereminent, because in the whole of the war it would be found, that there neither was any one event to be fixed upon, that had been at all parallel to it, in the conduct that led to the consequences, or in the consequences themselves. In the action in which sir George, happily for himself, and most happily for his country, had so eminently distinguished himself, there was all the "pride, pomp, and circumstances of glorious war," and what gave it so much splendour, were the shining ornaments and illustrious spoils acquired by the victory: the commander in chief, an able and experienced officer, taken prisoner on board the largest ship in the whole of his fleet, fitted out with infinite completeness, and at an immense expence, avowedly the pride and vanity of France, boasting the name of its capital, and universally pronounced by its subjects invincible. This it was, that heightened the glory of the event, that justly raised the spirits of Englishmen, properly feeling proud at a circumstance that reflected so much honour on the valour and intrepidity of British seamen, and the good conduct, firmness, and undaunted courage of the commander in chief and all his officers. So far from the fleet under sir George Rodney being dispirited and wanting confidence, as the noble duke, who spoke last, had asserted, his lordship declared the reverse was evidently the fact. The fleet were to a man full of spirits, and united in the fullest confidence in their commander; he had led them on to victory; he had taught them how to conquer. Nothing, then, but the maddest and most lunatic disdain of all prudence, and disregard of all wisdom, could dictate the persevering in the folly of separating seamen high in spirit, and flushed with victory, from a commander whom they had, by repeated successes, been brought to consider as an inspired officer, the peculiar favourite of Providence, and the chosen instrument of Heaven's vengeance on the foes of their country. On such a day, therefore, as this, when a circumstance of so much national glory was under consideration, he was not a little astonished to find the custom of reviling a late administration resorted to, and revived; and the more especially, as it must on all hands be acknowledged, that the very victory, every one of their lordships was willing to allow, deserved to have the authors of it spoken of in terms of the highest commendation and praise, was owing to the wise appointment of officers, and the careful preparations of force, of those who had been his Majesty's late ministers, and whom therefore he had expected, would have had the cold justice done them at least, of having it allowed, that however faulty, and however liable to challenge and censure their conduct might have been in other respects, in this it merited to have it said, that they had done well. His lordship declared, he felt himself to be as impartial upon the subject as any one member of that House, because, though he had a great personal regard for several of the late administration, arising from personal intimacy, and a high respect for others, whom he was not acquainted with, but of whose abilities he entertained a good opinion, it so happened, that he had no acquaintance with the noble lord who had been first lord of the Admiralty, and no reason whatever, to think he had ever owed him a single obligation, farther than that which he had shared in common with every other person who had occasion to have access to him upon public business, viz. the being always treated with singular politeness and civility. So far from entertaining a partial opinion in his favour, having been accustomed to hear repeated censures of the conduct of the Admiralty, from the noble duke and others, convinced as he was that the greatest part of those censures were wholly unmerited, he had, upon the whole, conceived, that there could not be so much blame imputed without there being cause for some of it; and thence he had persuaded himself, that some of it would stick, as due to the conduct of the noble lord. In the present instance, however, it was but cold and barren justice to declare, what the fact fully proved, that the noble lord had great merit in providing so powerful a fleet during such a summer of depression as the last was, and fitting it out with such a quantity of stores as sir G. Rodney in his own letter declared it had. With regard to the noble lord's not rewarding sir S. Hood, who had undoubtedly behaved with infinite skill, spirit, and bravery, it ought to be remembered, that it was not in the noble lord's power. From a consideration of dates, it would be found, that when the news of the affair of St. Kitt's, which did that gallant officer so much credit, arrived, the noble earl must

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be aware the power he then held would soon pass into other hands, and that he should be liable to abundant and severe censure, if he, in the interval, proposed any measure, like rewarding an officer of his own appointment. Partiality, improper preference of his own creatures, and a variety of other unfair, but grating imputations, would have been suggested against him; to which, considering the temper of the times, it would have been impossible to have given any answer, that would have been sufficiently satisfactory to the public to have cleared his character from the prejudices and suspicions, generated by such attacks as he had just mentioned.

The Duke of *Richmond* replied to two points, which, he said, he could not let pass; the first was, an expression which the learned lord had dropped, that the fleet under sir George Rodney was dispirited, and had a want of confidence. Certainly it was far from his meaning to say, that the officers and seamen on board the fleet under sir George wanted spirit, or had not a full confidence in that commander. He knew to the contrary, and only meant to say, the conduct of the late board of Admiralty had been such as demonstrated to the whole navy, that no confidence could be placed in them. With regard to what the learned lord had said of the late action being, beyond all comparison, the most glorious of any that had happened in the course of the present war, he denied the fact. If great things might be compared with small, which according to their extent were equally brilliant, the conduct of admiral Barrington in his late engagement off Brest, and that of captain Jarvis, in taking the Pegase, were to the full as glorious; the conduct of captain Jarvis, in particular, deserved every possible expression of admiration and praise; to continue close engaged with a ship of equal force for so long a time, and to contrive to destroy 200 of the enemy, and to lose so very few, and at the same time have so few wounded, proved uncommon discipline, conduct, and merit. To save the life of a citizen was allowed by the Romans to merit a civic crown, what then was due to captain Jarvis? In answer to what lord Loughborough had said, of the ministers not having time enough to reward sir Samuel Hood, he observed, that they had found time enough to reward themselves. As a proof of this assertion, he instanced the case of lord North's having, after he had declared his administration was at an end, procured a pension of 4,000*l.* a year for himself. His grace also mentioned the additional pension of 1,000*l.* a year granted to lord Loughborough, and said, wishing as he did, to see the judges independent, he could not but think the looking up to the crown for pensions, when parliament had declared its disapprobation of a further increase of the incomes of the judges, was in his opinion highly improper.

Lord *Loughborough* said, that with regard to his additional pension, he was ready to acknowledge, in as full a manner as the noble duke's candour, liberality, and good humour could expect, that such a mark of the royal bounty was wholly unmerited on his part. It had not been asked for in an unbecoming manner by him, and was not an unprecedented grant. Neither was it personal to him, the grant having been made merely as an addition of income, which it was thought becoming his place to have allotted to it.

The *Lord Chancellor* began with disclaiming any intention of touching much upon the point last alluded to, or the comparison between the event of lord Hawke's action and that of sir George Rodney. He said, he was persuaded it was perfectly consistent with the constitution to increase the incomes of the judges, in the manner in which his learned friend's income had been increased, and he stated several precedents to support what he had said on the subject. With regard to the recall of sir George Rodney, none but a child would argue upon it, so as to connect it in any manner whatever with the late great and eminent success of that commander. They were distinct and separate matters, and he would pledge himself so to argue them, whenever a question upon it should be brought forward. His lordship coincided a good deal in opinion with the duke of Richmond, and said, if ministers had no will of their own, and were not capable of acting by their opinions, but were to come down to that, or the other House of Parliament for advice, upon particular executive measures, they were unfit to be ministers, as they ought to be ashamed to act upon the judgments and opinions of other men, and not upon those of their own forming.

The motions were all put, and agreed to *nem. diss.*

Lord *Loughborough* then rose and said, there was an essential point their lordships

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seemed to have forgotten, and which, the precedents on their Journals shewed upon great and signal victories to be customary, and that was, to congratulate his Majesty on the success of his arms. After some further preface, his lordship moved, "That an humble Address be presented to his Majesty, to congratulate his Majesty on the late signal successes of his powerful and well appointed fleet in the West Indies, and to express our reliance on the Divine Providence, that those successes, so conducive to an honourable and advantageous peace, may obtain a farther extent, from the bravery of the seamen, the approved conduct of their commanders, and the wisdom of his Majesty's councils."

The *Lord Chancellor* called for precedents, and said, he thought according to the ordinary course of proceeding, that such a motion as that now made, should have been made first of any, or not at all.

*Lord Loughborough* shewed that it was made at the proper period, as it was a conclusion built on the premises established by the former resolutions. His lordship read the precedent in the case of the capture of Porto Bello by admiral Vernon.

The *Lord Chancellor* thought that a bad precedent, and proposed to leave out the words, "powerful and well appointed fleet;" and objected to the words "so conducive to an honourable and advantageous peace," as resting more than was prudent on a sanguine, but a mere political opinion.

Lord *Keppel* said he would never consent to the words "well-appointed," because he must first know more than he did of the condition of the fleet. It might be well appointed, but he was not sure it was so. As to the conclusion relative to its leading to a peace, he asked, were the enemy extirpated from the West Indies? He then stated their power still to shew themselves formidably.

Lord *Loughborough* agreed to leave out the words "powerful and well-appointed," (though he referred to sir George Rodney's letters for the proof of them) because lord Keppel had said in his place he did not know that the fleet was powerful and well appointed. He also agreed to leave out the words "so conducive to an honourable and advantageous peace," though he had only used them in a moral sense, as expressive of the sole end of victory. But as other lords had understood them in a political sense, to denote that this victory must be the cause of peace, and that was not his meaning, he had no objection to omit them entirely.

The motion as amended was agreed to.

*Conference on the Contractors' Bill.*] May 22. A Message was brought to the Commons from the Lords, stating, that their lordships had passed the Contractors' Bill, with certain amendments.

Mr. Secretary *Fox* requested the House would attend very seriously to the amendments, as they went, in his opinion, totally to defeat the great object of the Bill: one amendment was to exempt from the operation of the Bill, all those who should contract with government for the produce of their own estates; this was an idea which had been thrown out, when the Bill was before the Commons; but had been afterwards given up: the other, and more important amendment, was, to exempt from the operation of the Bill, those who should contract to supply government with the manufactures of the produce of their own estates; this was a scope, which he conceived, would completely defeat the great end of the Bill; and therefore he requested that gentlemen would attend seriously to it, when the amendment should come regularly before the House.

May 24. The amendments made by the Lords to the Bill were read. The first five were agreed to. On the sixth amendment, which was, after the word "public," to insert "except such wares and merchandize as shall be of his own growth, production, or manufacture, and also except such houses, warehouses, lands and tenements, as shall be hired out, or contracted for, for the service of the public," there was some debate. Sir P. J. Clerke feared that the word "manufactures" would destroy the whole effect of the Bill. Earl Nugent insisted, that if the present clause was rejected, it would heighten the price of all commodities to government. Mr. Alderman Newnham declared, that he would rather have the Bill totally rejected than received in its present amended form. The clause was rejected. After which, a committee was appointed to draw up Reasons to be offered to the Lords at a conference, for disagreeing to the amendment made by their lordships.

May 27. The following Reasons were delivered by the Commons to the Lords at the said conference:



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"To the sixth amendment the Commons do disagree, Because, 1. They cannot suggest to themselves any reason, for excluding from a seat in the House of Commons, the merchant who shall furnish for the public service, those wares and commodities which the course of his dealings with foreign countries may enable him to do; which reason is not equally applicable to the farmer, the grazier, the grower of timber, the manufacturer, and every other person deriving a profit from the rent of his houses, warehouses, or lands; that undue influence, which it is the object of this Bill to destroy, resides equally in every contract or agreement that is made with the commissioners of the Treasury, or any of the public boards; and therefore the contractor under such circumstances, of whatever denomination he may be, ought equally to be restrained from being elected, or sitting and voting as a member of the House of Commons. 2. Another reason, which induces the Commons to disagree with this amendment, is, that in their opinion it gives great opportunities for fraud and collusion, and opens a very wide door for evading the principal object of the Bill. There are very many articles furnished for the public service, which are of the growth, production, and manufacture of Great Britain, and it will be a very easy matter for any person furnishing these articles, who wishes to be a member of the House of Commons, to give them such a colour and appearance of their being of his own growth, production, or manufacture, as it will be extremely difficult, if not totally impossible to detect.—For these reasons, the Commons hope that your lordships, who have shewn your approbation of the principle of the Bill, will not insist upon an amendment, which in their opinion tends to render the provisions of the Bill fruitless and nugatory."

May 30. The Lords took the said Reasons into consideration, and, after a short debate, agreed not to insist on the said amendment.

*East India Affairs—Recal of Mr. Warren Hastings and Mr. Hornby.*] On the motion of Mr. Dundas, the House agreed to the following Resolutions: 1. "That Warren Hastings, esq., governor-general of Bengal, and William Hornby, esq., president of the council at Bombay, having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East India Company, it is the duty of the directors of the said Company to pursue all legal and effectual means for the removal of the said governor-general and president from their respective offices, and to recall them to Great Britain. 2. That the Mahratta government of Poona, in the 19th article of the treaty made by colonel Upton, declared, that the chout of Bengal and its dependencies had, for time out of mind, been part of the jaghire of the Bounsello, they therefore could not withdraw it; but if the said Bounsello, or any of his descendants or successors, or any other person, should cause disturbances, by claiming or demanding the chout on Bengal or its dependencies, they did engage never to assist them themselves, or permit any Mahratta chief, dependent on them or the rajahship, to give them any assistance; and that the governor and council-general of Bengal did not think it advisable to accept the concessions made by this article, and agreed therefore that it should be left out of the treaty, and colonel Upton was directed to decline any explanation upon it; but, if that could not be avoided, to inform the Mahratta ministers, that their reason for omitting it was, an apprehension that it might be understood to contain an acknowledgment of a right which did not exist, and which they concluded the Mahratta ministers themselves had no thoughts of insisting on when they proposed such an article. 3. That rajah Moodagee Booslah, in a letter to Mr. Hastings, governor-general of Bengal, made a specific demand of 14 lacks of rupees per annum, as a tribute due from Bengal to him; and which tribute he declared was acquired by his ancestors, and vested in himself by inheritance. 4. That the governor-general of Bengal did pay to Moodagee Booslah, rajah of Berar, and to his son Chimnajee, certain sums of money, to the amount of 26 lacks of rupees, under the denomination of subsidy or loan. 5. That the payment of any sums of money to Moodagee Booslah, or to his son Chimnajee, under the denomination of subsidy, and still more if advanced as a loan, whilst his army was on the frontiers of Bengal, may be considered as an actual acknowledgment of his claim of tribute from the provinces of Bengal; which claim is not founded, and ought not, directly or indirectly, to be acknowledged."

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***Debate in the Commons on the Recal of Admiral Rodney.***] May 30. Mr. *Rolle* claimed the attention of the House while he stated a business that was of the most important nature; it was a business that he was fearful would tend to promote jealousies in the navy, and spoil that unanimity which was said now to exist. The hon. member had the Journals read, by which it appeared, that admiral Rodney had been thrice thanked by that House for his great and gallant services; the first thanks as far back as 1762: by those thanks the hon. member contended it was evident that admiral Rodney had deserved the esteem of his country; therefore, to recal him in the moment of victory, was an impolitic measure, and the appointment of admiral Pigot to supersede him was equally unwise; for admiral Pigot had not been to sea for nearly 20 years, and when he was at sea, had never been engaged in any capital action. He remembered a great naval commander (lord Howe) saying in that House, that an officer possessing bravery and skill sufficient to command a single ship, was by no means proper to command a great and powerful fleet, as the duty was quite different; in that predicament he thought admiral Pigot stood: he might be a man capable of commanding a single ship, or a small squadron, but he could by no means think him equal to the officer who already commanded. If admiral Rodney was recalled, as was asserted, on account of his ill state of health, why not let sir Samuel Hood take the command? He was an officer of great skill and integrity, and a man who had given his country repeated proofs of his intrepidity. The hon. member enumerated the services of the gallant commander in chief, and said, that the action, for which he received the thanks in 1762, was one of the chief means of concluding a peace, and he sincerely hoped this last action of his might be attended with the same good effect. He concluded with moving, "That it appears to this House, by the admission of his Majesty's confidential servants, that admiral Pigot is sent to the West Indies, to take the command of his Majesty's ships and vessels employed there, in the room of sir George Brydges Rodney." The hon. gentleman said, he meant this motion merely as the ground work of another, which he would move directly, should the first be carried, as follows: "That the appointment of admiral Pigot to supersede admiral Rodney, is a measure which will tend to destroy that unanimity which at present exists in his Majesty's fleets in the West Indies, and is a mark of this country's ingratitude to the gallant admiral who has signalized himself so gloriously."

Mr. *Rosewarne* seconded the motion, and was severe on the present ministry for doing what they so strongly reprobated in the former. All that the late ministry ever could be accused of, was not employing the most able officers, but they never had been guilty of recalling an officer who was universally beloved, and who was performing such acts of gallantry as the noble admiral had, who was now so shamefully recalled. The recal might be a censure, but it was out of the power of any man, or set of men, to disgrace the admiral, who had so frequently deserved the thanks of his country. In a former debate, lord Sandwich had been pointed out as the minister of France. If he was really so, in the late victory he had shewn himself a bad minister indeed to his employer, for he had appointed one of the most able fleets that ever was sent out by any minister this country produced.

Mr. *J. Townshend* stated the general argument, that ministers ought not to give any other answer to questions relative to the appointment or recal of officers, than this—that for reasons, which appeared to them wise and prudential, they advised them. If the appointment should prove disastrous to the country, then ministers might be brought to an account, for they must be responsible for the conduct of those whom they employ. If the appointments they had advised should create divisions in the fleet, they must be answerable for it; but he was apprehensive that those who appeared so anxious, lest divisions should arise, would by such conduct as they pursued that day, be the first to create divisions: gentlemen might attribute to ministers prejudices and partialities, to which they were strangers; but if he had a mind to retort, might he not with as much fairness suspect the motives of those who were friends to the motion before the House? There existed not, at present, any division in the fleet; why, then, should they start objections, and raise dislike, where it was not at this moment to be found? Gentlemen had expressed their surprise that sir Samuel Hood had been superseded; the idea was ridiculous; that officer, great and gallant as he was, could not remain commander

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in chief; for the moment he should reach Jamaica, he would there find two senior officers, who of course, would supersede him. Sir Samuel was an officer of whose skill and bravery every tongue spoke with pleasure; and there was no reason to think that he would be dissatisfied with the appointment of admiral Pigot, if some people should not be studious to poison his ear, as well as that of admiral Rodney, and make them think the recal of the latter, and the appointment of admiral Pigot, an injury to admiral Hood, and a disgrace to admiral Rodney. He concluded by moving the previous question.

Mr. *Wraxall* spoke against the recal of lord Rodney: he held him as the greatest naval hero this country had ever seen, placing him above the Hawkes, Ansons, Boscawens, &c. and declared his recall was a measure which must have been formed in madness or imbecility. He took notice of the title which had been conferred on the gallant admiral, and expressed his surprise that it was not higher than that of baron; and his surprise was the greater, as in this very present month, two other naval officers had been raised to the rank of viscounts: he did not wish to detract from the merits of those two noble lords; but the world would ask what they had done so transcending the brilliancy of the late glorious victory, as to deserve a higher rank in the peerage, than the gallant Rodney.

Mr. *Hammet* argued in favour of the recal, not that lord Rodney did not deserve the command, but because the crown had an indisputable right to appoint and displace officers at will; the ministers of the crown still remaining responsible for the conduct of such officers. He defended the recall also upon this ground, that at the time when it was resolved upon in the cabinet, sir George Rodney was far from being a popular character; and his recall at that time had not created the least disgust in any part of the country: no after event then could make bad a measure which was not in itself bad.

Earl *Nugent* agreed that the affair at St. Eustatius had rendered lord Rodney extremely unpopular; and the tide of popularity having been against him when the present ministers recalled him, they, on that account, did well: but now that the tide of popularity ran the very contrary way, that popularity, which, running against him, had occasioned his recall, should, now that it flowed in his favour, prevent it. Popularity was a strange and fickle thing; the people often thought lightly, and were often in the wrong; but it was remarkable that they never remained long in the wrong: the great earl of Chatham, when he was Mr. Pitt, had for a while lost his popularity; but the people soon saw their error, and he once more became their idol: it was so with the brave Rodney; the people for a while thought ill of him, but they were not long in error; and now that great man was in full possession of their esteem, their confidence, and admiration.

Mr. *Hill*, in a vein of pleasantry, opposed the motion. He said, that it was a very kind thing in the ministry to recall an old and brave admiral from the dangers and fatigues of war, to make him enjoy rest and ease the remainder of his life. He knew a lady who had a pair of coach-horses, which had for years drawn her from the card-table to the cathedral, and from the cathedral to the card-table; at last, when they had grown old in the service, she turned them into a fine paddock, where they ranged at pleasure, and enjoyed perfect ease, after a life of labour and fatigue. He declared that he felt no sentiment but of gratitude and admiration for the gallant admiral in question; he would have no objection to his being made a duke; and at this very time he was one of many Salopian gentlemen, who were raising on one of the highest hills in Shropshire, a monument, to perpetuate the memory of his glorious victory. He rejoiced at the return of lord Rodney; and he was less surprised at it, than the world had been when he was sent out last, in so bad a state of health, that his death was several times announced after the late ministry had sent him to sea. He then alluded to the last contest for the chair of the House, when the late Speaker was said by the late ministers to be afflicted with every disorder, at a time when he himself declared that he had never been better. He concluded by expressing his hopes that a day of general thanksgiving for the late glorious victory would be appointed.

Lord *North*, conceiving that Mr. Hill had said that lord Rodney had been sent out rather against his will by the late ministry, rose to declare, that having conversed with that noble admiral previous to his last departure, he could with truth say of him, that an officer more zealous, more eager to be employed again against the enemies of his country, he had never

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met with; his only wish was to be put in the way of serving his country, and humbling her enemies; and so far were the late ministers from having forced him upon the late service, in which he had earned immortal honour, that they were not more anxious for him to resume his command than he himself was to do it. As to the motion before the House, he did not wish to give any opinion upon the late recall, and the new appointment; all he would say of it was, that it appeared to him a very hasty measure; such a measure as, if adopted in the late administration, he should never have heard the end of; he should have been attacked from every quarter, and no mercy would have been shewn to him. As to the motives of the hon. members who had made and seconded the motion, he was sure they were pure and upright; that they were founded in the gratitude, which they, as Englishmen, felt for the saviour of their country. However, good as were their motives, he should not be sorry to see it disposed of by a previous question; for though he could not say that he approved of the appointment of admiral Pigot, still as he considered the unanimity of the fleet as one of the greatest blessings to the public, so he would not wish to send out after the officer who was to command, a resolution conveying so severe a censure on an appointment; which censure might render him odious to the fleet. Unanimity at home and abroad was absolutely necessary; and though he was made a sacrifice for that unanimity, he wished the present ministers might experience it in its fullest extent: it was not pleasant to have been made a sacrifice of to unanimity, but it would be disagreeable indeed, if after having been sacrificed for a particular end, that end should not afterwards be obtained.

Mr. *Fox* replied to lord North in a strain of ironical observation: he questioned the sincerity of the noble lord, in his expressions of cordiality relative to that unanimity in the fleet, which he professed to be desirous not to disturb: the noble lord wanted not to give an opinion of a measure, which nevertheless he pretty severely condemned; and at the very same time that he wished not to agree to the motion before the House, he applauded the motives of those who had made and supported it. A strange doctrine, that, what it would be improper to agree to, it had been proper to propose! If the motion was intended to convey an idea, that the House could or ought to interfere in the appointment of officers, it proposed a most unconstitutional resolution; for the crown was by the constitution vested with the exclusive right of appointing officers; the appointment at the same time subjecting those who advised it, to responsibility. If the motion was for the purpose of criminating the ministers who had advised the recall of lord Rodney, it was so far constitutional; but it would be nugatory if it was not followed with another, for removing ministers. Did the noble lord mean to go that length? If he did, why did he not speak out?—As to the appointment of admiral Pigot, he did not know a man in the whole service more fit to succeed sir George Rodney: he had conversed much with naval officers, and he never heard one of them speak of him but in the highest terms, both for bravery and professional abilities. He was an officer indeed, who had not the good fortune to please the late administration, because in a certain paper, which he, with a number of other admirals, had signed, deprecating the trial of admiral Keppel, his name had been found. With respect to admiral Hood, if he was superseded, it must be by the care of those gentlemen who were so industriously propagating sentiments tending to put him upon his mettle; and to inspire him with the idea, that his honour was at stake, and that he could not, consistently with that honour, hold his command, after admiral Pigot should have been placed over him; but by his Majesty's ministers he would not be superseded: they knew his valour and abilities too well to think of depriving the public of his services; for his part, he hoped that this gallant admiral would not take offence at his being continued second in command: as well might admiral Barrington be offended at seeing lord Howe put over his head, to command the western squadron; and the pretensions of admiral Barrington to a chief command were as high, and as well founded, as those of any other officer: if it had been said in a company composed of naval officers, that admiral Hood had been superseded in the chief command of the fleet, they would have laughed at the expression; because sir Samuel Hood was every where surrounded by senior officers; at Jamaica, there were two, sir Peter Parker and admiral Graves. He gave no opinion how far these officers were or were not qualified for so great a command, as was that of our Leeward island



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fleet; but such, as they were, they must be called home, if sir Samuel was to go to Jamaica commander in chief of that fleet. As to lord Rodney, his recall had certainly been determined upon before his late glorious victory was known; and if called upon to deliver an opinion relative to that noble admiral, he would say that his conduct at St. Eustatius had raised prejudices against him, and made the West India planters his enemies; but the glory of his late victory was sufficient to make him totally forget that conduct: he was therefore satisfied to balance the merits of this victory with the demerits of that conduct, and bury in oblivion all enquiry into that conduct, unless he should be provoked to it by the intemperate zeal of sir George's friends: if any of his family should say, that the rank in the peerage to which he had been raised, was not sufficiently exalted, he had no objection to give them every satisfaction on that head, and thus to bury all past misconduct.

Commodore *Johnstone* declared himself now perfectly satisfied with the recall of his noble friend; the right hon. Secretary held up his noble and gallant friend as a delinquent; if he was a delinquent, he ought to be recalled; and he now rejoiced, as much as he was before shocked, at the recall of sir George, because he now would have an opportunity to defend himself against those charges which had been brought against him; charges brought against him by Jews and traitors, or false friends to this country; charges which he was convinced he would be able to do away with the greatest ease, for he had seen many parts of the defence of his noble friend. Before the affair of St. Eustatius he knew that the gallant admiral was idolized by all the people in the West Indies; he could speak from the correspondence which he himself had with many of the first people in St. Kitt's, where sir George was idolized before he took St. Eustatius; but by the capture of that island, he had raised enemies to himself amongst those who had suffered by that conquest, which never could have hurt them, if they had always been enemies to the enemies of their country; the consequences of this capture were now the grounds of accusation against his gallant friend; and it was proposed to compromise the charge, and bury it in an earldom; but he scorned such a compromise; in his friend's name he protested against honours that were to be purchased by such a compromise; honours could never sit easy on a delinquent; and he could never feel any pleasure in hearing his brave friend called lord Rodney, if, at the same time, any man could tack the name of plunderer to it: the charge must be answered; and now he rejoiced that sir George was recalled to answer it.

If the glory of one day could blot out crimes, he did not hold the glory of the 12th of last month to be near as great as that which his noble friend had acquired on the 17th of a former month of April; for in an engagement of that day the brave admiral had been left unsupported by those who ought to have supported him; and so greatly had he suffered, that the Sandwich was in danger of sinking; and when his officers came and informed him that she could not swim much longer, and intreated him to shift his flag to some other ship, he peremptorily refused to comply with their request, and declared, that come what would, he would share the fate of his gallant crew, and go with them to the bottom, sooner than abandon a set of men who had so nobly stood by him.—His conduct on the 12th of April last, was signalised by a new and bold manœuvre, such as had never been practised before by any admiral but himself; and the idea was all his own. Admiral Drake in the van, fetched the third ship in the enemy's line, and so continued to engage along the line; when the Formidable came into action, sir George determined at all events to break the enemy's line, cost what it might; he therefore put himself on board one of the French ships, and while she was drawing out of the line, and he was disengaging himself, he totally ceased firing, that the attention of his men might not be taken from the great object of breaking the line by thus running on board the enemy. The smoke of the French line prevented comte de Grasse from seeing that the Formidable had broken through it; sir Samuel Hood prevented the ships that had been cut off by this manœuvre from joining again, and a most complete victory attended this most hazardous, and most novel or original mode of attack, the merit and enterprise of which belonged solely to his gallant friend. He then bestowed very great praise on sir Samuel Hood's manœuvres at St. Kitt's, which he pronounced to have been at once original and masterly. He undertook afterwards to shew that the right hon. Secretary had himself interfered, while out

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of office, with the prerogative of the crown, in the appointment of lords-lieutenants; and particularly of his appointment, when he was made commodore; he gave a history of himself in that station; and mentioned the insurrection which had happened in Spanish America, and which it had been thought, perhaps too partially, that he might have improved.

Lord *Lisburne* did not wish that his hon. relation general Vaughan should be sheltered from enquiry, under the laurels of sir George Rodney; he had served 35 years, and if he had not laurels enough to cover him, he did not know what was the merit of a soldier. There was a report on the table from a committee above stairs, charging his brother with peculation and oppression; he was ready to meet the charges, and desired only to know when they were to be brought forward.

Mr. *Burke* said, that upon public principle he had brought forward the enquiry, and upon public principle he would let it fall, unless he should be directed by the House to take it up. He had no objection to give way to prudence; and if there was a bald spot on the head of a Rodney, he had no objection to cover it with laurels. However, at present it was not his intention to bring forward the enquiry, unless commanded so to do by the House, and then he would do it as effectually as he could.

The first motion was negatived. The second was withdrawn.

May 31. Commodore *Johnstone* rose to request the Speaker would explain to him a difficulty, which he was not himself able to solve. He understood from the Gazette, that his Majesty had been pleased to raise sir George Rodney to the dignity of a baron: what he wanted to know was, whether sir George might now be so far considered as a peer, that his seat in the House of Commons could be pronounced vacant. The question that naturally arose upon this head was—has the King a right to make any man a peer without his own consent, or against his will? If it should be answered by the gentlemen of the long robe, that the law absolutely gives such a power to the crown, he would acquiesce; but at the same time he must say, that such a law was big with mischief to this country. He begged to suppose a case; if the King had been pleased to call a certain gentleman in his eye (Mr. Fox) to the House of Peers, about four weeks ago, the late revolution in the ministry would, in all probability, never have taken place. Such a power in the crown might be used to the very worst of purposes; a minister might rid himself of every formidable opponent in that House, by forcing a peerage on him; nay, it might be employed to the most iniquitous purposes; as if, in a case, like that of Mrs. Shebbeare, where a woman was restrained by will from marrying a peer, a minister should, in order to prevent a commoner, whom she liked, from marrying her, make that commoner a peer. But there was another case, in which it might be an instrument of the most flagrant injustice; for there was then on the table a report from a private committee, full of charges against that admiral; now, the circumstance of his being called up to the House of Peers would deprive him of the opportunity and privilege of defending himself in that House, where the charge originated. He did not, by any means, insinuate, that his Majesty's ministers had such an object in view; he mentioned it only as a possible case. Now he wished to know, what was the law upon the subject; if the law was for such a power, then he would consider sir George Rodney as a peer, and would move for a new writ for the city of Westminster. If that was not the law, then he would of course postpone his motion.

Mr. *Fox* said he must have been wanting to his constituents, if he had not turned his thoughts to that subject already: he had spoken on that head to many gentlemen of the long robe, and he found that the general opinion was, that the King had a right to make a man a peer, even against his will; but then in such a case, the crown must do it by writ: the case seemed to be different, when the peerage was conferred by patent; for it depended upon the person who was the object of the peerage granted in such a manner, whether he would take out the patent or not; and therefore he presumed that it was not by patent that a peerage could be forced upon any man. It was not proper that so great a city as Westminster should remain long without its full representation; and if he could hear from any authority that sir George Rodney would accept the peerage, he would, upon that authority, move the House for a new writ for Westminster; however, when he should get such autho-

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rity, he would make the motion in a full House, that the House might judge whether that authority was sufficient for them to act upon. He thought that it would not be improper to make some positive law upon the subject; and if the hon. member should think of bringing in a Bill on that head, he had no manner of objection.

The *Speaker* said, that the distinction between the writ and the patent did not immediately strike him, though perhaps it might be right: as to the case immediately before the House, he must say this much, that the King's pleasure in all matters of patent, was never irrevocably known till it had passed the great seal; every favour granted by the crown might be revoked or cancelled in any stage, prior to that of passing the great seal; and therefore it might be inferred, that a man could not be irrevocably a peer, before his patent had passed the great seal. Indeed, in the wording of the motion for a new writ for a member to serve in parliament in the room of some one who had become a peer, he was always supposed to have received a summons or writ; for the motion always stated him to have been called to the House of Peers.

June 3. Mr. *Fox* gave notice, that on Wednesday he would move for a new writ for Westminster. He observed, that in the case of sir George Rodney, he believed his consent to be made a peer would be necessary; but he believed also, that there was at present in England sufficient testimony to satisfy the House, that sir George's consent would not be wanting; for that admiral had written to his relations since his victory, that if his Majesty should be inclined to raise him to the peerage, he would not be backward to accept of the honour; and he went so far as to mention the title by which he would like to be called to the House of Peers. This, he thought, would be deemed by the House sufficient evidence of his consent; but if they should think otherwise, he would give up his opinion to theirs, and negative his own motion.

June 5. Mr. *Fox*, after stating that there was reason to presume that sir George Rodney would accept the peerage, and that the patent was now making out, said, he thought himself justified in moving for a new writ for Westminster.

Commodore *Johnstone* opposed the motion. He could not think that it was possible to look upon sir George as a peer, until his patent had passed the great seal; now, as the patent was only in forwardness, and had not passed the seal, sir George could not be said to be in possession of an honour, which it was still in the power of the crown to recall. If, in the present stage of the business, sir George were to die, it would then appear that he never had a peerage, for his heir could not, as such, be entitled to an honour of which sir George himself was not possessed; an unsealed patent could not bestow a peerage; the cases of sir Dudley Ryder and Chancellor Yorke were both apposite to the present question, and went to prove, that the man whose patent has not been sealed, is not and cannot be a peer. Upon this principle he must contend, that there was not as yet a vacancy for Westminster, and therefore he must oppose the motion.

Mr. *Moysey* said, that the case of lord Brownlow was perfectly in point; for a new writ was ordered for Grantham in the room of that lord, when he had just kissed hands on his advancement to the peerage, but long before his patent had passed the great seal.

Mr. *Mansfield* opposed the motion, nearly on the principle laid down by the commodore.

Mr. *Dundas* supported the motion, and stood upon the precedent of lord Brownlow. The only question was, whether or not there was sufficient proof to satisfy the House that sir George would accept the peerage? If there was, there could be no doubt but a new writ ought to be issued, for there was no ground to believe that the honour would be revoked, or that sir George, dying before the signing of the patent, the peerage would die with him; for if there was public faith in Britain, the family of Rodney were entitled to a peerage. As to the evidence of that admiral's acceptance of it, he saw an hon. member who could give the House satisfaction on that head, and he thus publicly requested that he would do so.

Captain *Rodney* (sir George's son) said, that he had received a letter from his near and dear relation, in which he had stated the title by which he should like to be called, if honoured with a peerage; and, from the tenor of the letter, he thought himself justified in saying, that he believed he might venture to assure the

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House, that his hon. relation would not refuse the peerage.

Commodore *Johnstone* contended that the acceptance of the dignity had nothing to do with the present question; for as yet there was nothing to accept; there was no peerage, and sir George could not be considered as a peer, his patent not having as yet passed the great seal. He was to all intents and purposes a commoner at this moment, and therefore his seat could not be vacant.

The question was put and carried.

Sir *Francis Basset* then informed the House, that he had in his hand a motion for an address to his Majesty, praying him to settle 4,000*l.* a year on sir George Rodney; but if ministers intended of their own accord to do what he wished to have done on this occasion, he would not urge his motion.

*Mr. Fox said*, that something of that nature was at present in the contemplation of ministers; but he could not say what would be done; much less could he say that the substance of the hon. member's motion would be adopted.

Sir *F. Basset* said, he was not vain enough to suppose that his proposition would be the standard up to which ministers would act; he himself was directed only by his feelings; he was not acquainted with sir George Rodney, and acted only as an independent country gentleman. What the right hon. Secretary had said would have this effect with him, that he would postpone his motion till Friday, that ministers might have time to come to some resolution on the subject in the cabinet.

June 7. Sir *F. Basset* observed, that having a few days ago thrown out his intention of making a motion, for addressing his Majesty, to make some provision for admiral Rodney, and understanding since, that his Majesty's ministers did not think that provision so immediately necessary, he should move the House then for that purpose. It was unnecessary for him to enter into the merits of the gallant admiral; it had been very ably done by an hon. gentleman on a late occasion; and indeed the facts were so well established, that it would be only echoing the sense of the House. He observed, that his motion was not without precedent, and instanced the provisions made by parliament for the great duke of Marlborough, and the late lord Chatham; he would draw no comparisons on this head, as he looked upon admiral Rodney to need none, but to be entitled on the ground of his own merits, to the honourable rewards of his country. He therefore moved, "That an humble Address be presented to his Majesty, humbly desiring, that his Majesty will be most graciously pleased to make such a lasting provision for lord Rodney and his family, as his Majesty, in his wisdom and liberality, shall think fit, as a mark of the sense the nation entertains of the great and glorious services performed by that most gallant officer; and to assure his Majesty, this House will make good the same."

Lord *Fielding* seconded the motion, and threw out insinuations against the tardiness of ministers, in paying proper acknowledgments to the services of that gallant admiral. He likewise thought the conduct of the minister rather indecent in interfering with a depending election.

Mr. Secretary *Fox* said, in respect to the hon. baronet who introduced the motion, premising that he was no way acquainted, or connected by friendship with the gallant admiral, he did most sincerely believe it; for if he was, he never could think of introducing the present motion; as by it was meant nothing more than an attempt to disturb that unanimity, which it was the wish of his Majesty's ministers to preserve, in respect to the rewards and honours about to be bestowed on that gallant admiral. For his part, though he thought such a motion ought to be negatived, he would not do it, assuring the House, that it was sincerely the meaning of his Majesty's ministers, after a proper enquiry, to make such provision for lord Rodney and his family, as was suitable to the rank his Majesty had conferred upon him. In respect to what had been thrown out about the indecency of his Majesty's minister interfering in an election, he allowed the noble lord to be right, provided he interfered as a mere minister; but there was this distinction between a minister and an elector, which he should ever preserve; that the appointment of the former should not take away the rights of the latter; and if the King, in making him his secretary, meant to annul his rights as an elector, all he could say was, that he was no party to that bargain. The high respect he bore the gallant admiral, would prevent his negativing the motion; he should only move the order of the day.

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Mr. *Rigby* urged the impropriety of a motion of this kind originating with any but his Majesty's ministers, particularly as they had declared they intended doing something similar. Here he stated several circumstances why even a delay in this business was highly necessary. In respect to the right of a minister exercising those of an elector, he was equally clear in, and were he a minister himself he would do it.

Lord *John Cavendish* assured the House that something was intended to be done for lord Rodney, as soon as a proper enquiry could be made respecting the most eligible method.

Sir Francis Basset, seeing the almost unanimous sense of the House against the prematureness of his motion, agreed to withdraw it.

*Debate in the Lords on the Affairs of Ireland.*] June 3. The Earl of *Hillsborough* rose to call the attention of their lordships for a few moments, to a matter of considerable importance. His lordship said, he had received several letters from Ireland, from which he found that great uneasiness was arising in that country, with regard to the real intention of the British parliament, to follow up their late resolutions, with such proceedings as should give them effect. He reminded their lordships that three weeks had elapsed, since both Houses had almost unanimously (with a single negative only in the upper) agreed to resolutions for the relief of Ireland, one of which was, that the 6th Geo. 1 ought to be repealed. As the public had agreed that the statute ought to be repealed, he begged to enquire of the noble lord in his eye (Shelburne) why it was not repealed? or why some proceeding for that purpose had not been begun? There was also a Bill, which, when he had the honour to be in administration, had been sent over from Ireland, but he knew not what was become of it now. The Bill to which he alluded, came from a learned man in that country, who meant well to government: and who, from his first appearance in public, had made the public good his chief study; that gentleman seeing, that from denying that the Irish were bound by an act of the English parliament, the greatest part of the property of Ireland was loosened; and finding that infinite alarms prevailed from that consideration, brought the Bill in question into the parliament of that kingdom, with a view to quiet the alarms of the people; and to cure the mischiefs that threatened to flow from a declaration, that England could not legislate for Ireland. His lordship said, he was treating of Mr. Yelverton's Bill, which he understood was paused upon in the privy council; it not being deemed safe or proper to send the Bill back to Ireland, before something was done by parliament, towards the actual repeal of the 6th Geo. 1. He wished therefore that there might be as little delay as possible. The time was critical, and particularly so with respect to Ireland, it being just on the eve of a variety of meetings of associations, in which, though the general sense of each assembly might be, what he was very well satisfied it would be,—that there was no cause whatever of suspicion of the good intentions of this country; yet some imprudent man might get up unadvisedly, and suggest matter of alarm, and matter tending to consequences, which every friend to both countries must wish to see prevented.—His lordship warmly pressed the reasons which induced him to think, that no time should be lost in proceeding to repeal the 6th Geo. 1; the measure was single and unconnected with the other parts of the proposed proceedings with respect to the modifications of Poyning's law, the alterations of the Mutiny Act, or the negociation meant to be instituted between the crown and the Irish parliament, for the purpose of establishing a good understanding between the two countries. With regard to Mr. Yelverton's Bill, the noble lord might possibly answer, that it would be decided upon on Wednesday. At the same time his lordship begged he might not be thought to countenance suspicion in others of neglect, or unnecessary delay in ministers. He saw the danger of delay perhaps more forcibly than they might; and so far from his being actuated by so base a motive as a desire to make what was bad worse; his sole aim was, to prevent what was already bad, from growing still worse. He hoped and believed ministers were sincere in their good intentions towards Ireland; but persons at a distance, who were not so well convinced of their good intentions, might construe every little delay into matter of suspicion and alarm, and therefore he conceived, he best shewed himself the friend of government, by cautioning them of their danger.

The Earl of *Shelburne* said, that as long as he had the honour to have a share in any administration, he would answer for

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it, the conduct of government should be so regulated, that there should not arise occasion for concealment, and that there never should be cause for eluding enquiry; on the other hand, the more every point and particle of that conduct was examined into, the better it would be found to bear the light, and the more justifiable it would appear. He thanked the noble earl, therefore, and he would at all times hold himself obliged to any man, let his motives be what they might, for giving him an opportunity of answering any question that might be suggested; he did assure the House, that he would always give a fair, open, and clear reply, as far as was consistent with the safety of the state, and he would not shelter himself under the protection of any majority, in regard to that safety, but would leave it to be determined on by the sense of the people at *large.—In respect* to the present question, *he was happy* to have it in his power to give an explicit and direct answer. The resolutions of both Houses were voted, if he recollected right, above twelve days ago; they were instantly sent over to Ireland, and laid before the Irish parliament immediately, it happening that they arrived in Dublin on the very day that the parliament there assembled; the messenger had not returned till this very morning, and so far was there from existing the least ground of complaint, on the score of delay or neglect, that at twelve at noon, he had sent the rough draft of the Bill for the repeal of the 6th of George I, to the Attorney and Solicitor General to be prepared for parliament. He would appeal therefore to the noble earl, whether every possible dispatch had not been used? With regard to Mr. Yelverton's Bill, the noble earl had been rightly informed, that the Bill was delayed in the privy council; he knew not where the noble earl got his intelligence, but the fact was so. The reason, however, of that delay, was not, as the noble earl had suggested, because it was deemed necessary to come to parliament first, and obtain a repeal of the 6th of Geo. I, but merely on account of the ill health of their noble president. The same cause kept the noble lord from being present in the House that day, or he would doubtless have explained the matter fully. As soon as his noble friend recovered his health, the Bill in question would undoubtedly be presented to the council; decided upon with all possible dispatch, and returned to Ireland. His lordship said, for the satisfaction of the House, he would add a few words more; he had, indeed, read over his dispatches hastily, for the sake of sending them, where those noble lords who had been in office, must know, they were at that time. Cursorily, however, as he had perused the dispatches, he had read enough of them to see, that so far from there being any suspicions of the sincerity of the British parliament entertained in Ireland, the whole kingdom was penetrated with the most lively sense of gratitude, for the late instance of magnanimity, and generosity, and goodness of this country towards that. In full parliament a debate had taken place upon the subject, and with great good sense and propriety, the secretary to the Lord Lieutenant had determined to ascertain, who it was, that did not think the British parliament had done every thing that Ireland could expect or desire; in conformity to that very wise idea, he had insisted on a division of the House, upon the Address proposed in return for the Resolutions voted by both Houses here: the consequence was, there were but two persons to be found who dissented from the general sense of the Irish parliament. In fact, words could scarcely do justice to the grateful sense of Ireland on the occasion. It was about to shew itself in the strongest and most forcible colours. He believed he might assure the House, that Ireland had resolved on a very extraordinary proof of its gratitude, no less than giving 20,000 seamen to the British navy. Such a gift as that, was a solid, substantial, and real advantage. It would tell abroad, and could not fail to prove of the most essential service to Great Britain. This therefore proved, that Ireland was satisfied; indeed, it was agreed in that kingdom, that there now remained no one constitutional point to be settled between the two countries. So that unless the noble earl meant to be added as a third person to the two he had mentioned, as dissenting voters in the Irish parliament, there were but two men in existence, who, to his knowledge, entertained the smallest disapprobation of what had been done for Ireland, or was not fully contented with it.

The Earl of *Hillsborough* declared his astonishment at the noble earl's accusing him, with being discontented with what had been done for Ireland. He could scarcely suppress his indignation at having such a feeling imputed to him; after having spoken in the manner in which he had

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delivered himself, he did not deserve to be so treated. Nor could he account why the noble earl had used him with so much severity; it was not consonant with the gentleness of the noble lord's manners any more than it was merited by him. He had not the happiness which that noble lord had, of being able to boast of his having been born in Ireland; but there was not a man in that country, who wished more its prosperity, or had taken more pains to promote it, than he had. He was now an old man; he had sat many years in the House of Commons, and he had taken the lead there, in obtaining those beneficial regulations, respecting the linen trade of Ireland, which were granted her some years since. On every other occasion also, for 40 years, had he stood up the advocate and strenuous pleader for Ireland, and he should continue to do so, as far as was consistent with his duty. He owed a duty to that House and to Great Britain, and a duty to Ireland and the House of Peers there, of which he was a member; and he always had, and always meant to discharge it, in both instances, with zeal and fidelity. The noble earl seemed to have accused him, for no other purpose but to acquit him; he should only therefore say, farther, that he held the accusation and the acquittal in equal esteem.

*Debate in the Lords on the Revenue Officers' Voting Bill.*] On the order of the day for the third reading of the Bill "for better securing the freedom of Elections of Members to serve in Parliament, by disabling certain Officers employed in the Collection or Management of his Majesty's Revenues, from giving their Votes at such Elections,"

The Earl of *Mansfield* said, that the Bill was, in his mind, a Bill which did a great injury to a numerous description of individuals, and a Bill tending to the dangerous depression of regal power. In both these points it struck him to be highly objectionable. In the first place it went to take away from all persons, employed in the collection of the revenue, one of the dearest franchises enjoyed under the British constitution,—the franchise of giving a vote at an election. This was not only a very extraordinary stretch of the power of government, but such an one as was unexampled in our history: formerly, Place-Bills had been proposed at different periods, but they all proceeded on a principle directly the reverse of that on which the present Bill was founded. They tended to enforce regulations within the walls of parliament, and to say who should, or should not sit, as a representative of the people. The present Bill, on the contrary, went much farther; it went to the saying, who should, or should not vote for representatives; thus it took away, at one stroke, what every Englishman was entitled to consider as his unalienable birthright. His lordship entered into an historical review of the nature of the British government at different periods. In the early days of our existence, it was solely in the hands of the crown; this being as absolute a monarchy as France, or any other in Europe. The crown could make war, force the subjects to support that war, and, in fine, oppress them in an infinite variety of ways, for every purpose that the will or caprice of the monarch prompted. The people had no share in the government, the King had no controul, the power rested solely with him. At the Revolution the constitution was better, and more wisely settled. The government was then divided equally between the three estates, the power of the crown was lessened, and the people had an essential part lodged with them. The crown was still allowed to hold the executive part of the government, but having lost its prerogative, was lowered down so as to become merely nominal. Let their lordships look for a moment at the state in which the government now stood. The King could not make war, he could do nothing essential, without the concurrence of his parliament; the popular branch of the constitution had a check upon the action of the whole state machine.—After these observations, his lordship argued, that in this country the crown must have its necessary degree of weight and power; to lower it too much was to the full as dangerous as to raise it too high, and to give it too much authority. In case the monarchy was wholly destroyed, and the government vested in the two Houses of Parliament, it was evident where the greater share of power would lodge; not in that House, but in the other. What would be the consequence? Anarchy and confusion, disorder and ruin! In all mixed monarchies, the crown must have its equal share of power, or the balance that poised the whole, and preserved the constitution, would be lost. He was persuaded, that a conviction of this being indispensably ne-

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cessary to the good government of a free country, was the sole motive that induced Oliver Cromwell to aim at being crowned. It was not his vanity; he was too wise a man to be actuated by so weak a motive. He saw the advantage that would arise to the country from its having a third estate. In order to shew that Place Bills, which, in his opinion, had never answered any good purpose, were unnecessary at the time that they had been agitated, he desired their lordships to recollect the particular periods of our history when they had been introduced. The first Place Bill was brought in, in the reign of William the 3d, as great a general in the field, and as great a statesman in the cabinet as ever existed! Nothing could now be more clear, than that king William had the interest of this country greatly at heart. He had no family, and there was consequently no pretence for suspecting that he was actuated by any ambitious motive to increase the power of the crown; and yet, they all knew, that king William was throughout his whole reign thwarted, checked, and his government perpetually embarrassed on the plea, that the influence of the crown was too great. Nay, so visionary and speculative were some Utopian politicians, that a general Place Bill was attempted, and the king felt himself so ill used by that country, of which he had been the saviour, that he had serious thoughts of retiring from it, and nothing but that magnaninity of mind, which had first brought him over, induced him to stay here. In the next reign, that of queen Anne, when the duke of Marlborough was obtaining the most glorious victories for the arms of Great Britain abroad, and lord Godolphin held the administration of affairs, so much to his own credit at home, Place Bills were again introduced, and lord Godolphin found it a most difficult matter to carry on the government. Again, in the reign of George the 2nd, at the time that sir Robert Walpole was forced out against his own will, and against the will of the crown, Place Bills were introduced on the plea, that the influence of the crown was too great, although the contrary was most unanswerably proved, by the crown not being able to keep in its favourite minister. In fact, the popular cry against the influence of the crown had uniformly been loudest when it was evident there was least real cause for it. He declared, he would not undertake to say, that in king William's reign it would not have been better for this country, if that monarch had not been so perpetually checked and thwarted; nor would he undertake to say, that it would not have been better for the country if lord Godolphin had held the government longer, or if sir Robert Walpole had been suffered to remain minister instead of being forced out. All the men run at, in those times, were at this day memorable names, and universally allowed to dignify the page of history. When prejudice and passions were no more, he was convinced many violent opinions, now zealously entertained, would be acknowledged to be erroneous. In regard to government, it was natural for prejudices to prevail against those who held it; it ever was, and ever would be the case. In the reign of queen Elizabeth, it had been said, "that those who spoke against government always addressed themselves to willing hearers." At present, he was not so blind as not to see that the torrent ran for what was called, lessening the influence of the crown. In giving way to that torrent, however, it behoved their lordships to act with great caution. If they suffered themselves to be unwarily hurried away by the rage for reformation that prevailed, and which was founded in an eagerness for popularity, they might endanger the constitution, which must always be affected by a depression of the regal power. His lordship also took notice, that attempts were made, not only to depress the regal power, but to set up associations and meetings, without doors, for the express purpose of awing and controuling parliament. Their lordships had recently had a fatal proof of the evil tendency of popular associations, and he prayed God there might never be a second proof of the same nature! Before he concluded, he said he had purposely spoken to the Bill, as containing an abstract and speculative proposition, without taking into the argument any of the various reasons of a temporary nature, that might be adduced. It had been said, that it was a Bill to prevent smuggling. A purpose to which it was unnecessary to apply a new remedy, because there were many and severe laws in force to punish that offence. Smuggling was besides an offence clearly defined. He had, therefore, carefully avoided adverting to that or any similar matter, and had confined himself to such reasoning as went to shew, that the Bill, abstractedly considered, was such as ought not to pass.



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The Bishop of *Peterborough* (Dr. Hinchcliffe) said;—The noble and learned earl has represented this Bill as a visionary scheme of innovation, whose principle depresses the regal part of the constitution, and which does injustice to a great number of people. Could I see the least reason to believe, that it might, even in its most distant consequences, be productive of the danger apprehended to the constitution, or that it injured any set of men whatever, I could not justify to myself the consent I shall give to its passing into a law. But whatever objections may be made to visionary plans, or speculative experiments of innovation; whatever arguments may be urged in favour of established forms and usage, which have the sanction of antiquity and received opinion; they do not in my mind at all apply to the case now under your lordships' consideration. The object of this Bill is plainly and simply to restore parliament, in some degree, to its original principles of purity and independence, and to preserve in a due mixture or equilibrium, the several powers of state, whose distinct rights and united force form the strength and excellence of our constitution. The wisdom and jealousy of former times, have, as occasion required, excluded from a seat in parliament certain descriptions of men, who were judged liable to be influenced by their places or their pensions. It has restrained others from interfering in parliamentary elections; the reason and principle of those regulations were the very same as that on which this Bill is founded, and declared in the Act of the 5th of William and Mary expressly thus, "because, that elections of members to serve in parliament, by the constitution of this country, ought to be free and incorrupt." Such being the principle of the Bill, and the Commons by passing it as they have done, having declared their opinion that elections cannot be looked upon as free and incorrupt, while the Treasury has command of so large a body of voters, as are engaged in the management of the Customs and Excise, the point for your lordships' determination lies within a very narrow compass: if there is any noble lord who thinks the evil does not exist, he will doubtless judge the remedy unnecessary; but so many of your lordships as are of opinion, that an undue influence has been exerted on such occasions, and may be exerted again, must (to be consistent with the constitution and yourselves) agree to suspend the votes of such officers as prefer their places to the right of voting, so long as they continue under that controul.—Nor can I see this in the light the noble earl did, whereon he formed his other objection, as doing injustice to a great number of people. On the contrary, I am persuaded far the greater part, if not every man, who is affected by it, will rejoice, that he is no longer obliged to exercise a power under the direction of another will than his own. Can any man be supposed to set a value upon a mere nominal choice, where his inclination is sure not to be consulted, but in most cases to be contradicted and over-ruled? Nor do I believe this as mere matter of opinion; I am founded in the conclusion, that no injury is done by the Bill, because no person whatever affected by it, has petitioned against, or even objected to it; if men do not object, it is a fair conclusion they admit; such was very lately the reasoning of the noble earl, and his conclusion, 'volenti non fit injuria.' Was this, indeed, the first time of the subject being canvassed, it might perhaps be supposed, that the Excise and Custom-house officers dare not appear in opposition to it, because they believe the Bill to be a measure of administration; but your lordships know this matter was agitated some time ago, under another administration by no means favourable to it; yet, even then, if I am rightly informed, not a single petition was offered against it.—But though I do not see this Bill in either of those lights which it seems to strike the noble earl, as endangering the constitution, or injuring individuals, I do see it in the light of great public advantage; besides its immediate object, it will facilitate the correction of negligence and abuse in the receipt of the customs, and will afford an effectual means of putting a stop to the illicit practices of smuggling. If there is any man whatever who is more particularly interested than another that this Bill should not pass, it is the first lord of the Treasury, and yet I verily believe, there is no man in the kingdom who has the passing of this Bill more at heart than that noble lord; convinced, I am persuaded, he is, that at all times, and especially in times like these, to administer the affairs of this country with advantage to the public, or credit to himself, he must add to the confidence of his sovereign, the support and approbation of a free parliament.

The Marquis of *Rockingham* said, the

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Bill had now arrived at that stage, to which he wished to see it brought. His lordship declared he was so ill, that he was scarcely capable of saying one word; the disorder that prevailed so universally, afflicted him so severely, that at times he was not in possession of himself; he was glad, however, indisposed as he was, to be present, to give his hearty approbation of the Bill. The number of persons it would affect, was larger than their lordships could have imagined; and he made no scruple to avow, that it was the magnitude of the Bill, that was its chief recommendation with him. He stated, that there were no less than 70 boroughs where the election depended chiefly on the votes of revenue officers; the Custom-house alone, he said, had 5,000 persons belonging to it, besides about 2,500 more of extra tides-men, &c. and the Excise at least 4,000 more, who were voters. He desired, therefore, to be relieved from the disagreeable circumstance of being obliged to force these persons from voting against their will, or from incurring the imputation of having done so. He said the revenue officers, as the law now stood, not only were forced to vote for those they did not approve, but to vote against their own friends, and those in particular to whom they were most obliged. This was surely a very considerable hardship; in order to prove the assertion, and shew how severely it pressed, his lordship said, there was a particular borough, in which there were 500 voters, and of these, one person, who had happened to live in terms of intimacy with the first lord of the Treasury for many years past, had got 120 appointed to places under government. He appealed, therefore, to their lordships, whether it would not be a great cruelty to oblige these 120 to vote at the next election against the person who put them into their present employments as revenue officers? Having urged these and other arguments, his lordship concluded with declaring his satisfaction that such a Bill had been brought in, and expressing his earnest hope, that it would receive the sanction of the House in that, its last stage.

The House divided, Contents, 34: Not-contents, 18.

*Debate in the Commons on Lord Mahon's Bill for preventing Bribery at Elections.*] May 23. Lord *Mahon* said that as the House was very thin, he would not enter largely into the subject of the Bill to prevent bribery and expence at elections for members to serve in parliament, which, with the leave of the House, he would move for leave to bring in. However, he would now explain the principle of his Bill: it was well known, that if all the freeholders of a county were to be carried to the place where the poll was held, the expence must not only be heavy upon the candidates, but absolutely unconstitutional in principle: if, on the other hand, they were to travel at their own expence, the burthen would be too heavy for many of them to bear; and if the expence was to be defrayed by the county, it would be an encouragement to candidates to demand a poll, without a shadow of ground, and to the great detriment of the county. Now, his plan was, that the sheriff should be authorised to adjourn the poll from one place to another in the county, according to the extent of the same, so as to consult, as much as possible, the local convenience of the freeholders. This was the great outline of his Bill, which, when it should have been once read, he would move to have printed, that it might be more generally known and understood. He then moved for leave to bring in the Bill, which was granted.

June 12. The House went into a committee on the Bill. Almost every clause occasioned debate; but the principal clause was that which subjected to the penalty of the Bill, namely, an incapacity to serve in parliament, all those who shall be aiding or assisting in defraying the expences of voters at elections, or paying their expences to and from the place of election. This was thought by Mr. Powys to be a very severe clause; he imagined that it would be fully sufficient to incapacitate the candidates or their agents, and not to extend the penalty to those who might wish to put themselves to expence, in order to serve their friends. Mr. Coxe insisted that it would be nugatory to restrain the candidates and their agents from going to expences, if their friends were at liberty to do it for them; the parties might then understand one another; and, by avoiding the name of agent, they might be able to defeat the salutary purposes of the Bill; the necessity of such a Bill must strike every gentleman, for at present there was scarcely a fortune that could support the expence of a contest at an election. Mr. Barrow was of the same

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opinion; he said, that to carry from London to Gloucester 150 electors, had cost him 1,500 guineas; a Bill therefore that should cut off the possibility of such expences in future, must be most salutary indeed. The committee divided on the clause: Ayes 42; Noes 20.

June 19. On the report of the Bill being brought up,

Mr. *Powys* renewed his opposition by moving, that the farther consideration of it be deferred for two months. He would not now state a variety of objections to which he thought the Bill peculiarly liable. There were sufficient grounds for his urging this measure, from the importance of the business and the lateness of the season.

Lord *Mahon* was much surprised, that his Bill should meet with a fate it so little deserved. It was rather an arbitrary way of proceeding, to move for the rejection of a Bill to which no specific objection was made.

Mr. *Baker* stated the great impropriety there would be in bringing forward a business in which all the electors of Great Britain were so deeply concerned, without consulting them on the subject.

Mr. *W. Pitt* warmly supported the Bill. It astonished him to hear gentlemen avow any hostility to the principle of a Bill which, in his opinion, was highly constitutional. It had been called an innovation; it was no innovation. It referred merely to the mode of conducting a very constitutional business; a mode which had continually warred with the times; a mode which had admitted of the grossest abuses. The regulation of this was no innovation, but a restoration of the constitution. There was, indeed, nothing in the Bill which did not meet his fullest approbation. It was calculated to revise a number of very useful laws, which, from the relaxation of morals, had almost become obsolete. The hon. gentleman went through an infinite variety of topics, with a masterly conception of the subject, with so much readiness and precision, and with a dignity and correctness of language, so singular and so animated, that the House was most powerfully impressed.

Mr. Secretary *Fox*, after paying every compliment to the preceding speaker, contested all his arguments. He denied, that the principles of the Bill had been fairly stated by his hon. friend. He wished by no means to countenance a Bill which should carry on the face of it a sort of discordance, or at least a dissimilarity of sentiment between candidates and voters. He was for cultivating the connection between the elector and elected, by all possible expedients. It was by intimacy, that character, virtue, property well occupied, had its natural influence. Why should they endeavour to circumcumscribe the very few privileges the electors of Great Britain retain? Was it not their business to give them every assistance for extending their franchises? And nothing could possibly enhance the natural independence of English electors, more than upon an occasion of elections, of obliging their friends, or preferring to the highest honour of the country those who, in their opinion, seemed most deserving of it. The hon. gentleman was not fond of recurring to those times when representatives were paid for their trouble by those they represented. This circumstance sounded very high with some people now. But whence did it arise? This House was then of little or no weight, in the government of the country. And those arguments which referred to such ancient usages could be of no more use, than to put the House of Commons in mind of its ancient insignificance. He said, that nothing that should injure the cause of popularity, had any thing to expect from his support; and whenever the hon. gentleman came forward with his ideas of an equal representation, he might depend on his warmest support. This was a point in which they could never disagree. On the present Bill, however, their opinions did not meet.

Mr. *W. Pitt* said, that nobody was more willing than he was to give the right hon. gentleman all the credit which his very extraordinary abilities demanded. He joined very sincerely in the just applause which a variety of shining and splendid passages in his speech naturally extorted from the whole House; he was even the more sincere in approving of those passages, since, instead of reprobating, they actually made for the question before the House. The right hon. gentleman had stigmatized those times of simplicity and purity, which had been mentioned but rather hastily, as the insignificance of the Commons then might arise from very different causes. He wished much that all those virtues which constitute the highest character of a country gentleman in this kingdom, had their fullest influence. But

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under that idea, let us not introduce, let us not patronize, let us not plead for licentiousness: to the qualities of generosity, of humanity, and of hospitality, he would give every possible degree of credit; but never, under that sacred pretence, would he connive at that madness and tumult which had rendered the elections in this country, for the most part, a mere farce.

Mr. *Martin* said, that he apprehended that himself, as well as many others much more respectable, had been involved in a general censure, as wildly enthusiastic on the point of parliamentary reform. He conceived that nothing worthy, great, or noble, could enter into the mind of man without exciting some degree of enthusiasm; to the charge of being actuated by such sort of enthusiasm, he would not say he pleaded guilty, for he gloried in it; but as to an enthusiasm tending to disturb the public peace, or to alter the real constitution of this government, that he absolutely disclaimed, and he would return the charge on those gentlemen who, from selfish and ambitious motives, or from illiberal and rooted prejudices, had refused going into any enquiry whatever into a grievance allowed to be notorious, and which cried aloud for redress. He was well aware that gentlemen of great abilities, and who were in the habit of debating in that House, might, by their talents and ingenuity, perplex and confound the understanding of a plain man like himself; but that it was one thing to be confounded, and another to be convinced; that he had the honour of being a member of that assembly about seven sessions, but he was convinced it did not require the experience of seven days to see the miserable state of representation; that without considering the gross preference visibly given to selfish interest over that of the public, the non-attendance of members on the national business sufficiently evinced how little they acted as the servants of their constituents. Much stress had been laid on the superiority of county members. He was well persuaded that many gentlemen of that description deserved every praise which could be bestowed on them, but he thought many of them most grossly neglected their duty. It had been said, that a little jollity at elections might be proper, or at least very pardonable: he conceived that those gentlemen who talked of a little jollity had never seen an election feast: it was such a scene of gluttony, drunkenness, riot and quarrelling, as would disgrace humanity at any time, but more particularly at a season when men's understandings should be clear and their passions unmoved. A worthy county member (Mr. Powys) appeared to have been much prejudiced against the Bill in the earlier stage of the committee. He there spoke contemptuously of it, and sneered very much at those, who, as he thought proper to express it, hungered and thirsted after reformation. Mr. Martin said, that he was not ashamed to own that he really did hunger and thirst after reformation, and if the hon. gentleman did not think this country stood in great need of reform, their opinions very much differed; but he was at the same time glad to hear that a person indued with so much good sense as that hon. gentleman, did not conceive so badly of our situation as himself; for his own part he was persuaded, that if there was not a considerable change for the better, we might flounder on for another 20 years increasing our public debt, and becoming more corrupt; but that it must end at length in the complete ruin of us all. He was a hearty friend to the Bill, as he had been to some others, upon the principle of their doing some little good, and as steps towards more substantial objects; but unless we went much farther by amending the representation, we should only retain the form of the constitution, without enjoying the benefits which ought to be derived from it. Our situation reminded him of a noble passage in a celebrated political writer, who, treating on this subject, concluded an excellent and spirited paper with these words, "In the shipwreck of the state, trifles float and are preserved, whilst every thing solid and valuable sinks to the bottom, and is lost for ever."

The House divided, when there appeared for the original question, 60; against it, 59. Majority against the amendment, 1. Mr. Powys, not being able to get rid of the Bill, wished that he might at least have it sent back to the committee, where he wished to have it amended, and therefore he moved that the report should be recommitted. Lord Mahon did not oppose the motion; he wished his Bill might pass upon its own merits, and he was convinced that the more it was discussed, the better it would be liked. The motion passed for the Bill to be recommitted.

June 21. The House went again into a Committee on the Bill.

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Mr. *Minchin* declared himself an enemy to the Bill, on this ground only, that it made it highly penal in any candidate to defray the expences attending the carriage of a voter to and from the place of election. To such a Bill he must be an enemy; because it went directly to disfranchise a great number of voters, who, not being able to bear the expences of travelling to the place where they were to exercise their franchise, would, by this Bill, be, to all intents and purposes, disfranchised. He remembered a particular case, where a regiment of militia, belonging to a county in which lay the borough which he had the honour to represent, were at the distance of 250 miles from the place where the election was to be held: in this regiment nearly one half of the men were freeholders? They were far from their county at the time of election; they were carried out of it on the service of the public, and could not possibly reach the place where the election was to be held, time enough to poll, if the expence of carriages, which they could not defray themselves, had not been defrayed for them: in such case, would it not be a grievous hardship, first to remove the men from their county, and next to prevent any candidate to pay their expences back? This would in fact amount to disfranchisement.

Lord *Mahon* informed the hon. member, that he was going to have the Bill recommitted, merely for the purpose of rendering it more palatable, and removing in particular the objection stated by the hon. gentleman.

The House then went into the committee. The great point of permitting candidates to hire horses or carriages for voters, was given up by lord Mahon; but the clause still provided, that the money should not be paid to the elector on any account whatever, on pain of rendering the candidate who should do otherwise, obnoxious to the penalty of the Bill. This penalty was a disfranchisement for ever of the elector, who should accept of a bribe, (and giving to the elector the money to pay for his horse, carriage, &c. or taking it, was to be construed bribery) and an incapacitating of the candidate from sitting in the present parliament.

Sir *M. W. Ridley* professed himself a friend to the principle of the Bill; but he could not but oppose clauses, which would defeat the very object of the Bill. In the first place, if candidates were not allowed to defray the expences of the voters, who were willing to give them their interest, it would enable the richest man always to carry the election; for a stranger with a very heavy purse, might go into a town or county, and by bribing a majority of the electors present, would be able to carry his election, if those who opposed him, should not be able to bring their friends to their assistance from the different parts of the kingdom: the rich man being returned to parliament, would leave that unfortunate creature, called a country gentleman, to support a contest before a committee of the House, and ruin himself in the attempt. Then as to the penalty, it was, in his opinion, greatly disproportioned; for it was perpetual disfranchisement of the poor elector; while it went only to incapacitate the candidate from sitting in the House during the remainder of that parliament.

Sir *Cecil Wray* objected to the clause on the ground of the disproportion in the penalty; and said, that though he liked the Bill, he would vote against it, unless a clause should be introduced to make a more equal proportion of penalty between the two parties.

Mr. *W. Pitt* observed, that gentlemen must not have read the Bill, or they could not have argued, that the poor elector would be punished more than the candidate; for as to the disfranchisement, it was mutual, and the candidate convicted of bribery, could never more exercise his franchise as an elector, any more than the poorest voter: superadded to this, was an incapacity to serve in that parliament, before whose committee he should be convicted of bribery.

Sir *Cecil Wray* said, he would vote for the Bill at present, but would wait for the report, to add a clause, in order to make this business the more clear: as to the case of the monied men alluded to by the hon. baronet, he was not at all afraid of it; for it was much more natural, that he should resort to the out-voters, than that the gentlemen of the town should abandon the country gentleman, their neighbour, who might be supposed to have the best interest among the resident voters.

Mr. *Fox* objected to the whole clause, even after lord Mahon had made it as palatable as he could. He observed, that, according to Mr. Grenville's Act, a committee of the House, in cases of election, were obliged to declare their opinion only as to the seat; and it was entirely discre-

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tionary in them to deliver any opinion relative to bribery, &c. Now, as it was only incidentally or collaterally, and not directly, that they were to give any opinion as to guilt; so he would not have a man rendered incapable of sitting in parliament by the resolution of a committee not appointed to try the candidate for bribery, or appointed at best but to do it discretionally or incidentally. Such a committee was not a court of record; and therefore he must oppose the incapacitating clause, as no document, nothing more than hearsay or conjecture could inform men upon what ground a seat had been pronounced to be vacant: indeed, when he considered how many members would daily fall off, he thought it would be better to put off the consideration of the Bill to another year.

Mr. *W. Pitt* told the right hon. gentleman, that from what he had said, it was fair to infer that he had not read the Bill; for it particularly provided, that the incapacity should not take place, unless the committee appointed to determine the election, should expressly declare that the candidate had been found guilty of bribery. This would of course be entered upon the Journals of the House, and would be a record, the meaning of which no one could mistake.

Mr. *Stanhope* wished that the incapacity should be for life, that so the penalty on the elector and candidate might be equal.

Lord *Mahon* objected to this; and stated a possible consequence that might follow if it should be so enacted: if a great popular character in parliament should have a petition brought against him, party might find its way into the committee appointed to try this petition, and a minister might perhaps be able, if the incapacity was to last for life, to rid himself completely of a member, whom he found extremely troublesome.

Sir W. Dolben and Mr. W. Robinson supported the clause, as lord Mahon had amended it; and Mr. Powys and Mr. Sheridan opposed it. At last the committee divided on the clause, which was rejected by a majority of 26. Ayes 40; Noes 66. Lord Mahon having lost the incapacitating clause, which, he said, contained the pith and marrow of his Bill, said he would go no farther with it, but moved for leave to withdraw the Bill, which having been granted, the committee broke up.

*Debates in the Commons on the Bill to prevent Gaming.*] June 5. The House took into consideration the Report which was made from the committee, to whom the Petition of the justices of the peace for Middlesex was referred; and the said Report was read as follows:

"To prove the allegations of the said Petition, Mr. Carlton, deputy clerk of the peace, and clerk to the justices who act for Westminster and Middlesex at the Litchfield-street office, being examined, said, That the justices have had a great many informations of tables for playing at the game called E O, and other such tables, particularly of five in one house in the parish of St. Anne, Soho, and of persons playing at them on Sundays, as well as other days: that they have had information of more than 300 in that parish and in the parish of St. James: that cards of direction to the places where these tables are kept, are often thrown down the areas of houses, mentioning, that small sums are to be played for, by which means, servants, and the lower sort of people, are drawn in to frequent them: that many persons have complained of their servants being induced to go to the said tables in consequence of reading those cards: that, as he is informed, people of all ranks frequent those places, and large sums of money have been lost there: that the laws hitherto made for the suppression of gaming, have chiefly pointed at games known at the time of making them; but as new games are continually devised, the justices find, by experience, that the laws are insufficient to suppress them; and have also discovered, that in many instances the proceedings under the present Acts, on offences therein specified, are circuitous, uncertain, and ineffectual."

Mr. *Byng* then rose, and stated to the House, that the spirit of gaming had so diffused itself through all the ranks and classes of life, that it was now absolutely necessary for the legislature to check it: E O tables were now to be found in every part of the town; he knew that in one house in the parish of St. Anne, Soho, there were actually five E O tables; and he did not doubt, but shortly the electrical bed itself would be turned into an E O table. It was in vain to attempt putting down gaming, if the legislature should prohibit the game of E O only; for then it would shoot up again under another name; nay, there were already G R tables; so that if the legislature did not pro-

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vide an ample remedy, that would go to the very root of the disorder, the spirit of gaming would run through the whole alphabet. He concluded with a motion for leave to bring in a Bill, the more effectually to prevent the pernicious practice of gaming.—Leave was given.

June 26. The report of the committee upon this Bill being brought up,

Sir *P. J. Clerke* said, he could not consent that a Bill should pass into a law, which would subject to very heavy penalties indeed, even the most innocent persons. The Bill, he conceived, would put an end to the harmless amusement of card-playing in private families. It was well known, that whenever cards were sent about to invite guests to spend the evening, there were always parties formed for playing; now he should deem it a very great hardship, if while he was playing a sober game at whist, he should be taken up, and compelled to pay a fine of 200*l.*, because in the same apartment a party had, without his participation, set up a Faro-bank, or amused themselves at some other game of chance.

Sir *Cecil Wray* said, it was not against such innocent parties that the Bill was levelled: the Bill was, no doubt, severe; but the evil, which it was intended to cure, was inveterate, and no remedy but a strong one could eradicate it.

Mr. *Byng* urged the necessity of the Bill from this circumstance alone, that in two parishes only in Westminster, there were 296 E O tables; and there was a probability that they would multiply; for there was not a public meeting in the kingdom, to which these tables did not find their way, to the great detriment of the public, among whom the dangerous spirit of gaming was thus infused, to the destruction of the morals and integrity of apprentices and servants. He knew of instances where bankrupts had amassed 20,000*l.* by E O, to the ruin, no doubt, of many unfortunate and unwary persons. He admitted that the Bill was rigorous; but rigour was necessary in this case: as to the apprehensions that gentlemen entertained, that an improper power would be given to magistrates to enter private houses, all that he could say was, that he had moved that the Attorney and Solicitor General should be joined to those who were ordered to bring in the Bill, that nothing might be inserted in it, which it would be improper to pass into a law. They had seen the Bill, without making alterations; he left it to the House to draw the consequence.

Mr. *Dempster* did not know well what to do with the Bill: on the one hand, the spirit of gaming ought to be checked; but on the other, all the private houses of the kingdom would be thrown open to the visits of two justices of the peace; a Bill which gave such a power ought to be narrowly watched; but if it was at all necessary to pass it, it would be prudent to do it only for one year, like the Mutiny Bill; if it should be found by experience to be a good Bill, then it might be continued; if a bad one, then it would expire of itself. He moved therefore a clause to make the Bill last for one year only.

The *Secretary at War* said it might be first made perpetual, and if it should be found to have produced the desired effect, the House would not have the trouble of renewing it.

Mr. *Sheridan* said it would be in vain to prohibit E O tables, while a more pernicious mode of gaming was countenanced by law; he meant the gaming in the lottery. The power given by the Bill to justices of the peace was too great to be given to any set of magistrates, but still by much too great to be given to the justices of Westminster and Middlesex: he did not mean to speak of them all as bad magistrates: for there were certainly some very respectable characters to be found among them; but, in general, he would not trust such a power to any set of magistrates, as was proposed to be given by this Bill; but much less when many of those who should act under the Bill, were themselves suspected of being proprietors of E O tables; to his knowledge there were two Middlesex justices concerned in lottery offices. He would therefore recommend it to the House, instead of passing the Bill, to turn their thoughts toward a reform of the police of Westminster; for it would be ineffectual, nay absurd, to pass the best laws, if no confidence could be reposed in the honour and integrity of those who were to see them executed.

Mr. *G. Onslow* thought the greatness of the evil required a speedy cure; there were now 296 E O tables in two parishes in Westminster; and he believed there were at least 500 more on the stock. There were E O tables now to be found in almost every country town: he knew of one which had been taken and destroyed by a very active magistrate.

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The question was put upon Mr. Dempster's motion, which was negatived without a division. The report was afterwards agreed to; and on the 27th the Bill was passed.

*Debate in the Commons on the Highland Dress Bill.*] June 17. The Marquis of *Graham* moved for leave to bring in a Bill to repeal so much of the Act of the 19th Geo. 2, as prohibited the wearing the ancient Highland Dress. His lordship observed, that at the time this Act passed, it might have been necessary, as the people who were the objects of it, were at that time hostile to the then government, and favoured the pretensions of another House; but the necessity no longer existed; the Scotch had manifested their loyalty, and firm attachment to the present government by numberless exertions in its favour, both by sea and land; and therefore he hoped that the cause having ceased, the effect would cease of course; and that the House would not think it improper that the Scotch should wish to remove an odious distinction, which had been put upon their ancestors, on account of principles which were no longer entertained.

Mr. *Fraser* of Lovat spoke as follows:—Mr Speaker, although I came so very late in the session to take my seat in this House, I cannot avoid rising, with some degree of satisfaction, to second the motion which you have just heard so fully, so candidly, and so humanely stated by the noble lord who spoke last, that he has left little for me to say; and yet, Sir, if I may ask some indulgence of the House, I shall beg leave to mention, that the Bill, meant to be brought in, not only concerns, but deeply interests a number not less than the whole body of people of a very large and extensive county, which I have the honour here to represent, as well as the inhabitants of several neighbouring counties; many of whom have bled so freely, so loyally, and so usefully to this empire, in the course of two successive wars, that they, of themselves, have construed their services a sufficient toleration, even under legal prohibition, for wearing a dress, the best calculated, in point of utility and frugality, for the hilly situations they live in; and the fact is, that for many years past the dress is universally known. Their prayer therefore, Sir, is to be freed from all their apprehensions on this subject, and to be allowed legally to wear the striped party-coloured woollen manufactures of their own country, cut in the fashion the best suited to their fancy and predilection. Allow me, Sir, to observe, that the prohibitory law, relative to their dress, if necessary, even at the time, was in effect, most certainly a double tax, of a very severe nature, being at one and the same time, a prevention of their domestic manufacture, and a compulsion to wear more expensive garments; garments most unfit, indeed, Sir, for that country, unless an Act could be made to level the hills: for I can with truth declare, and I trust without prejudice, (having lived thirty years in that country), that when I tried, very lately, to ascend the mountains in the north, in the very dress I have now the honour to appear before this House in, I found it difficult in the extreme, or to speak more truly, impracticable.—I have to offer but a word or two more in favour of this mark of candour, now come to be proposed to the legislature, because I own myself one of those, who wish to see that body of people cherished from a political view of their utility. I hope and trust, Sir, the time is not far off, when a perfect good understanding, between the inhabitants of North America and the mother-country will take place; in that event, a near equality of legislation, a soil and climate perhaps more fortunate, with which so many of the Highlanders are so well acquainted, will be not only open to their view, but to their reach; and in that event, Sir, will it not be found sounder policy, to allure them a day or two before by every act of kindness compatible with good government; and to keep by reasonable means, such a body of useful subjects on this side of the Atlantic, than afterwards to try to prevent them from leaving this country a day or two after, by compulsory and prohibitory laws, when perhaps it will be too late to enforce them? I hardly need trouble the wisdom of this House, by insisting, that all such regulations as allure the subject to stay at home, must be sound policy, as well as truly constitutional maxims; nor shall I enquire, how far laws, prohibitory of emigration, are constitutional to a free country and a free people; such being an enquiry not necessary to be discussed, when it appears so evident in the present example, that it requires only public acts of humanity, added to wise internal regulations, to keep them happy at home.

Sir *P. J. Clerke* did not oppose the mo-



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tion; but he thought, that if the Scotch dress was best calculated for the Highlands, it should be restricted to the Scotch, who should be restrained from wearing it in England. He remembered that there were six Highlanders once quartered in a house in Hampshire, who were really as well behaved soldiers as any he had seen; but still the singularity of their dress had put the man of the house to very great inconvenience; for, finding that his wife and daughter could not keep their eyes off the Highlanders, he was obliged to take a lodging for them both.

Leave was given to bring in the Bill.

June 19. In the committee on the Bill, Sir *P. J. Clerke* observed, that upon reflection, and some information on the subject, he would withdraw his opposition to the Bill: the only opposition he intended to have given it, was, that the Scotch might be restrained from using the Highland dress in England; and therefore he would not consent that an Act which he thought contained such a restriction, should be repealed, as far as it related to so proper restriction. But as he found that the Act which was to be repealed contained no such restriction, as it prohibited the dress in question only in the Highlands of Scotland, and the Highlanders might, by law, at present, come in their country dress into England, where they might attack the wives and daughters of Englishmen, the Bill before the committee contained nothing to which he could reasonably object.

The Bill went through the committee, and on the 19th was passed.

*Resolutions respecting certain Reforms in the Exchequer and other Offices.*] June 18. The order of the day was moved for going into a committee to consider of the Reports from the Commissioners of Public Accounts. The motion having been carried, and Mr. Montagu having taken the chair,

Lord *John Cavendish* rose, and after having bestowed great commendations on the commissioners, who had executed their trust with the greatest wisdom and integrity, he informed gentlemen, that he had a string of resolutions founded on the reports of the commissioners, to move in the committee. He did not think, that at such a season and in so thin a House, it would be proper to bring on the discussion of the great and important reforms that were to be made in most of the public departments and offices: however, though he was of opinion that it was too late in the session to enter upon so arduous a subject, still he thought that something might yet be done, in order to secure the accomplishment of those great ends, which had been conceived in patriotism, and which, he trusted, would be carried into effect; the resolutions which he intended to propose, would, if passed, pledge parliament to the measures which every friend to public œconomy wished to see adopted; and after parliament should have sanctioned these measures, he hoped that no present or future minister would be found hardy enough to oppose the execution of the resolutions of parliament. The principal points on which these resolutions turned, were the collection of the land-tax, the regulations of the pay-office and the office of treasurer of the navy, and the balances which remained in the hands of the officers who filled them. With respect to the first, he intended to move that a mode ought to be adopted for the better regulation of the collection of the land tax, and for bringing it more speedily into the exchequer: the resolutions with respect to the paymaster general and treasurer of the navy, were, that in future, they ought to be paid by some fixed salary, and not by fees; and lastly, that they ought to be obliged to pay the balances in their hands, into the exchequer, and not make any use whatever of it to their own advantage. His lordship observed, that he was not ready to give any opinion then relative to the great patent offices of the exchequer; whether those patents ought to be resumed, or the profits arising from them curtailed, might be hereafter a fit subject of discussion; all he would say at present was, that he would answer for his colleagues in office, that they would very willingly deprive themselves of the power of appointing successors to those who at present enjoy the patents, if parliament should be pleased to require such a renunciation. He concluded by moving the first resolution, which was carried, as was also the second; but the third, relative to the prohibition to officers, to make any use of the public money in their hands for their own advantage, and their being paid by certain fixed salaries, caused a good deal of conversation.

Mr. Attorney General *Kenyon* did not mean to oppose the resolution, but at the same time he would not have it understood, that he precluded himself in the

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smallest degree from a full right and liberty to have discussed in a court of justice, the question, whether the public might not call upon the great servants of the public, to account for the great emoluments they had made by means of the public money? He did not mean to give any opinion on the subject himself; but he was determined to be at liberty to have it discussed before a proper tribunal, if such a discussion should appear to him necessary. He spoke not from any ill-will to any man alive; but solely from a sense of duty in an office, which he had been unexpectedly, as he was undeservedly, called to fill: he did not know how long he might remain in it; but if he should be dismissed from it, he should return to much domestic happiness, which he had enjoyed before he had been called into public life; but while he remained in it, he was determined to do his duty. He understood that there were great complaints against the auditors of the imprest; he was in habits of acquaintance with them; but he wished they might be informed, by their friends in that House, that if they did not attend strictly and closely to a discharge of their duty, he was resolved to try, in a court of law, the validity of those tenures, under which they enjoyed immense emoluments without any labour: he said, without any labour, for he was given to understand, that they took years to audit accounts which might be passed in a few weeks, or even in a few days.

Mr. *Fox* did not join with his learned friend in the propriety of the declarations he had thrown out. In the first place he contended, as he had often done before, that when a balance of public money lay in the hands of a public accountant, all the public had a right to expect from him was, that whenever the money should be called for, it should be forth-coming; and what he did with it was nothing to the public, provided he had it always ready to answer the calls of the public. But this doctrine was pointed at past times; to future regulations on that subject he had no manner of objection. He requested, however, that his learned friend would draw some line, and leave room for some prescription, beyond which, his enquiry was not to extend; for otherwise it would be always in the power of the King's Attorney General to keep in constant alarm, and the worst state of slavery, all those who had ever filled any public office, or their descendants and executors for a century. He wished his learned friend would fix this point: it might happen that a public accountant might have acquired a great fortune by a fair and honest use of public money; and his descendants might by their folly and imprudence, completely dissipate and destroy it: were these descendants to be called upon to account for the profits made by their ancestors? Were the descendants of sir Robert Walpole and the duke of Chandos to be called to an account? Let the line be drawn, and he would be satisfied. As to the menaces thrown out by his learned friend against the auditors of the imprest, in order to make them do their duty, he should rejoice to see these menaces carried into execution; but still he doubted whether they could pass accounts in such a very short time as his learned friend supposed.

Mr. *Hussey* thought that it would be highly proper to prevent the paymaster of the forces, and the treasurer of the navy, from being any longer what they had hitherto been, bankers; he wished that the balances should not get into their hands; but should be always in the hands of the public, to fructify for their own emolument.

Mr. *Burke* said, he intended to bring in a Bill for that purpose; but it was impossible to do every thing at once; he would take care, however, at all events, to act before the Bill passed, just as if it had passed: time was necessary to gather information: he found that theory and practice were two things; and time would be wanting to mature plans for parliament.

Mr. *Hussey* was not satisfied with what fell from Mr. Burke, and observed that four months ago, he would not have said to the House that theory on the subject of reformation could not be reduced to practice.

Mr. *Rigby*, having filled an office, which came under the resolution, felt it necessary to say, that in about four years he might have his accounts passed: an event for which he anxiously looked; and he assured the House, that he had not a wish to keep any balance in his hands.

Colonel *Barré* thought the balances ought to be paid in three or four months; and that if they were withheld beyond that period, the right hon. member ought to be made to pay interest for them; for the public had an indisputable right, in his opinion, to the produce of their own money.

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Mr. *Rigby* said, that he did not mean that he would keep the balance in his hands for four years; but that by that time he should have his quietus from the Exchequer. As to the balance itself, it would be every day diminishing, for he should have payments to make out of it every day to the half-pay officers, widows, and others; and until these demands were discharged, the public could not in justice call upon him for a balance, which could not be struck, or belong to them, till all the demands, for which he stood bound, were discharged.

To the good characters of Mr. Powell and Mr. Bembridge, clerks in the Paymaster and Treasurer's office, both the old and new Paymasters, and also the Secretary at War, who was formerly Paymaster, bore ample testimony. After some little conversation on this subject, the committee agreed to all the Resolutions, which were as follow:

1. "That it is the opinion of this committee, That several regulations ought to be adopted in the manner of collecting and receiving the duties arising from the land tax, and on houses and windows, and in the payment of the said duties into the Exchequer. 2. That it would be beneficial to the public, and be attended with no inconvenience in the execution of the duty of the offices, if the several offices, commonly called the Stamp-office, the Salt-office, the Hawkers and Pedlars-office, the Hackney coach-office, and the Tax-office, were consolidated, and put under the management of one, or at most two boards of commissioners. 3. That there have usually been very considerable balances of the money belonging to the public in the hands of the Paymaster-general of his Majesty's land forces, and this committee are of opinion, that it would be more for the public interest, if the said office was to be paid by a fixed and permanent salary, in lieu of all fees and perquisites, and that some regulations ought to be adopted for the purpose of lessening and keeping down the balances of money usually in the hands of the paymaster of the said office. 4. That the profits of the office of cashier of the Paymaster-general of his Majesty's land forces, arising from salary, fees, and gratuities, have of late been excessive; and that it is the opinion of this committee, that the offices of cashier, of accountant, ledger-keeper, and the other clerks in the said office, ought to be paid by a fixed and permanent salary, in lieu of all fees, gratuities, and other perquisites whatsoever. 5. That some regulations ought to be adopted for the purpose of lessening and keeping down the balances of public money, which appear to have usually been in the hands of the Treasurer of the navy; and it would be beneficial to the public, if the first and other clerks in the different branches belonging to the said office were paid by fixed and permanent salaries, in lieu of all fees, gratuities, and other perquisites whatsoever. 6. That from henceforward the Paymaster-general of his Majesty's land forces, and the Treasurer of the navy, for the time being, shall not apply any sum or sums of money imprested to them, or either of them, to any purpose of advantage or interest to themselves, either directly or indirectly. 7. That the income and emoluments arising from the several offices of auditor of the Exchequer, clerk of the pells, tellers of the Exchequer, and usher of the Exchequer, have, from the late enormous issues of public money, become unreasonable and excessive, and that the same require some regulation in future. 8. That the several offices of usher of the Exchequer, and of the chamberlains, and tally-cutter, are useless and unnecessary, and ought to be abolished after the decease of the person or persons who now have a present or reversionary interest in the said offices. 9. That it is too late in the present session of parliament to carry into effect a well-considered and permanent regulation in the several offices mentioned in the foregoing resolutions; but that it will be highly necessary, for the advantage of the public, for the increase of the revenue, and for the honour of this House, that early in next session of parliament, this House should enter upon the consideration of these subjects, and should adopt such measures, in the reduction or regulation of these useless or expensive offices, as shall appear most consistent with that plan of œconomy recommended to this House by his Majesty in his message of the 15th day of April last, and which has been so graciously adopted by his Majesty in the reform and regulation of his Majesty's civil establishment. 10. That if, during the recess, and before the meeting of the next session of parliament, any of the said offices of auditor of the Exchequer, clerk of the Pells, tellers of the Exchequer, usher, chamberlain, or tally-cutter of the Exchequer, should become vacant by death or other-

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wise, it will not be expedient or proper for any of his Majesty's ministers to advise the granting of, or to grant the same, either in possession or reversion, with such fees and perquisites as are now annexed to the said offices, but with a fixed and permanent salary, and under certain conditions, until this House shall again have had an opportunity of taking the reform and regulation of the said offices into their more serious and deliberate consideration. II. That the commissioners appointed to examine, take, and state the public accounts of the kingdom, have, so far as appears from the reports which they have hitherto made, discharged the duty intrusted to them, with great diligence, accuracy, and ability; and if parliament shall carry into execution those plans of reform and regulation which are suggested by the matter contained in the reports of the said commissioners, it cannot but be attended with the most beneficial consequences to the future welfare and prosperity of this kingdom."

The said Resolutions, on being reported to the House, were agreed to.

*Debate in the Commons on Mr. Burke's Bill of Reform in the Civil List Expenditure.*] June 13. Mr. Ord reported from the Committee of the whole House, to whom it was referred to consider of a proper method for enabling his Majesty to discharge the Debt contracted upon his Civil List Revenues, the following Resolution: "That his Majesty be enabled to raise the sum of 300,000*l.* to pay off and discharge the debts due and owing on the Civil List on the 5th of April 1782; and that the said sum be charged upon such part of the duties and revenues of the fund commonly called the Aggregate Fund, as were made applicable to the payment of the sums of 800,000*l.* and 100,000*l.* respectively granted by two Acts made in the 1st and 17th of his present Majesty; and after the demise of his Majesty, to be charged upon the hereditary revenues of the crown." The Resolution was agreed to. After which, Mr. Burke presented to the House, a Bill "for enabling his Majesty to discharge the debt contracted upon his Civil List Revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the Civil List:" and the same was received, and read the first time.

June 14. The Bill being read a second time,

Mr. *Burke* took occasion to account for the difference that was to be found between the present Bill, and that which he had brought in two years ago. In the present Bill he had not introduced any regulation for having the King's household supplied by contract; for he found that out of the House, and in the House, this was a measure which few or none seemed to relish; and therefore seeing clearly that he never should be able to carry it, he had, though reluctantly, given it up. The regulations relative to the principality of Wales, which had been the object of a Bill brought in by him two years ago, were now given up by him, at least for the present he would postpone them; for though he believed that they would be productive of great national utility, still he would not press them now, as they did not appear agreeable to the people of Wales: he did not despair, however, but that they would one time or other appear in a different light to them, as they did to him; when that period should arrive, he would with pleasure bring in the Bill. The retrenchment in the Ordnance department he postponed also, if not totally renounced, because that department was now filled by a nobleman, whose regard for the public, and whose frugality in laying out their money, would render any regulation in the Ordnance completely unnecessary. The Mint was another office which he intended formerly to reform; but at present, he would postpone any regulation on that head, because he found a very great backwardness in the Bank, to which it was his intention to transfer the business of the Mint, to undertake it. In the Household there were two offices which his former Bill went to abolish, but which he did not mean now to meddle with; these were the offices of Treasurer and Cofferer; the officers who filled them carried white wands; and as abolishing them might appear an encroachment upon what added both to the splendour and dignity of the crown, he had no objection to suffer them to remain. The Pay-office, which he himself filled, stood greatly in need of reformation: he did not blame those who in the same office, had availed themselves of the balances lying in their hands, which they had made,



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to fructify to their own benefit; but it should be his care not to have any balances to lie in his own hands, or in the Bank: he had already begun the reform in his office; and having made up his accounts to the 3rd of June, he found that there was in his hands a balance of no more than 4,014*l.* 10*s.*; this he should take care constantly to carry over to the current account, and of course he would draw upon the Exchequer, in the next month's account, for 4,014*l.* 10*s.* less than for the last month: so that, in fact, there would be no more balances in the hands of paymasters. This the House would acknowledge would be a great saving to the nation, when he should inform them, that formerly there used to be from one million to 700,000*l.* constantly in the hands of the paymaster-general. This business he intended to bring before parliament early in the next session. A commission of public accounts was an object of his former Bill; but that business having been since taken up, and most ably executed by the commissioners, it formed no part of his present plan. For all the advantages that would arise to the nation from the different reformations that might be established, he assumed no merit to himself; all thanks, all gratitude, were due to the gracious sovereign, who had so nobly recommended œconomy and retrenchment to the House, beginning, as he did, in his own household.

Colonel *Barré* paid very high compliments to the duke of Richmond, but still he wished that such regulations should be established in his and other offices, as should put it out of the power of a bad man, if ever they should happen to be filled with such, to enrich himself with the spoils of his country. As to his own office, the treasurer of the navy, the report of the commissioners of public accounts bore this testimony of it, that it was well constituted, and the business of it conducted with great frugality; so much so, that the salaries of the treasurer, his deputy, and thirty-nine clerks, did not exceed 8,000*l.* a year; a sum little more than two-thirds of what the cashier in the Paymaster-general's office, had received in one year: from the report of the commissioners of public accounts, it appeared that the cashier, an inferior officer to the paymaster, received generally in war time, 9,000*l.* a year; and in one particular year, full 11,000*l.*; this proved that the business of the treasurer of the navy was frugally managed, when one man in the pay-office received one-third more emolument in the course of a year, than the treasurer of the navy, his deputy, and thirty-nine clerks, all put together: it was by the balances that treasurers of the navy were enabled to enrich themselves; he should take care to draw only for what sums he really wanted, and thus he should have no balances at all.

Mr. *Viner* said, that he was sorry the Bill was circumscribed within so narrow limits, and embraced so few objects; however, such as it was, he was glad to receive it; and when the hon. member should think proper to bring in any other Bills, for carrying into law the objects which he postponed for the present, he would receive them also with thanks: however, he could not help observing with some surprise, that the hon. member had two years ago brought in a Bill which he had then in his pocket, and a part of which was for abolishing all the courts of the duchy of Lancaster, yet the hon. member had not dropped a syllable of an intention to take up that matter this year.

Mr. *Burke* informed the hon. gentleman, that he was greatly mistaken, when he said that any thing relative to the duchy of Lancaster was in the Bill, which he had brought into the House in 1780; in fact, he had only mentioned it in his speech; but finding such opposition to the Bill for abolishing the courts of the principality of Wales, he thought it would be needless to bring in a Bill this year relative to the duchy; however, as that matter must be of course on the same principle with regulations respecting the principality, if he found the one should be relished, he would most certainly extend his views to the other.

Mr. *Viner* said, that his reason for voting for the present Bill was, that he found that it paid more respect to the dignity of the crown than did the Bill which he opposed two years ago: he farther added, that as the duke of Richmond was not immortal, so he would vote for such regulations in the Ordnance, as should render it impossible for any successor of his to abuse his power, and plunder the public.

Mr. *Fox* would not admit that there was any thing in the Bill, that had been brought in, in the year 1780, which tended in the smallest degree to diminish the dignity of the crown, which he would go as far as any man in the House to preserve

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and maintain; if it contained any thing that could be construed into a tendency to take from that dignity, it was that part which enacted that the King should be supplied by contract; but that point had been given up, and yet the hon. member had continued to vote against that Bill. He paid the duke of Richmond many high compliments; but agreed that the intended regulations ought to be introduced into his office; and though they were postponed, they were not given up; they were chiefly postponed for this reason; the duke was principally employed in discovering what regulations might be made in his office. He then spoke of the duchy of Lancaster, which he said he was willing to have reformed, if it should be found to be desired; the sentiments of the people relative to the principality of Wales, would enable the King's servants to judge how far it would be expedient to include the dutchy in the reformation. As to the appointment of a great and learned lord to the chancellorship of that duchy, he would answer for that noble lord, that it would not stand in the way of any desired reformation; but the appointment itself, he thought, was an act of justice; for after all the cotemporaries of lord Ashburton at the bar, had been honoured with the peerage, it would have been an unpardonable neglect indeed, to have passed his lordship by, and leave him unennobled; when he was called to the House of Peers, an honour which his transcendant abilities had so greatly deserved, it would have been highly unjust indeed to have taken him from that line, in which he was in the receipt of so great an income, without making a proper provision for him.

Mr. *Courtenay*, thinking that the praise bestowed on the duke of Richmond, conveyed an oblique censure on his friend lord Townshend, the late master-general of the Ordnance, rose up in defence of his character, and gave several instances to prove that if he had not cleansed the Augean stable of the Ordnance, it was because he wanted the power, but not the will.

Mr. *Fox* disclaimed the most distant idea of throwing blame on the character of the noble lord alluded to; and concurred in every thing which Mr. Courtenay had said in praise of his noble friend.

The Bill was then ordered to be committed on the 20th.

June 20. On the motion for going into a Committee on the Bill,

Mr. *Powys* said, that after the most gracious Message from the most gracious of sovereigns, "that he would have no reserve with his people," he had reason to expect the best consequences to the public, and he did not doubt but his Majesty's ministers would do their duty; he would say however, that if after the King had disclaimed all reserve, he should find any with his ministers, he should himself be truly astonished: the Bill which was now going into a committee, was certainly short of what it had been two years ago; however, confined as it was, he was thankful for it, in hopes, that in the next session, those objects contained in the former Bill, would be attended to.

Mr. *Burke* replied, that as far as it depended upon him, he was ready to pledge himself to bring forward the objects alluded to by his hon. friend; but he certainly would not bring them forward, unless he found that he should have with him the sense of the people; for he would not undertake any thing for the good of the people, which they themselves should not think to be for their own advantage. The reform which he once intended to have made in the principality of Wales, he found was extremely unpopular in Wales; for care had been taken to poison the minds of the Welch, and to fill them with an idea, that the intended reform was in reality meant as an attack upon the principality: the Welch were full of this idea; and so long as they were prepossessed with it, he would not force his reform upon them against their will; he would wait till time and better information should have wrought a change in their opinion. He was influenced by exactly the same motives, in withholding his Bills relative to the duchies of Lancaster and Cornwall; and if he should find the people of those duchies inclined to receive his reform, he would not be wanting to bring forward his Bills; but as it would require much labour and expence, much information, and many instruments in order to digest such a system as it would be proper to adopt in so arduous and complicated a business, he would not pledge himself to be able to bring his Bills very early in the next session: in the present he would content himself with the Bill then before the House, and another for reforming his own office, which he would bring in a day or two.

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The House then went into the committee. The paragraph respecting the abolition of the office of lords of police in Scotland was agreed to; but sir Adam Ferguson thought that some provision ought to be made for the secretary to that board: his office was presumed always to be for life; and the gentleman who now had it, had given 2,500*l.* under the idea that he was purchasing a kind of freehold. Mr. Burke had no objection to make provision for, or cover by a general clause, all persons who held places for life; but he could not but suppose that man to be mad, who could give 2,500*l.* for a place which was not for life, and which brought in no more than 200*l.* a year. It was agreed, after some conversation, that a general clause should be inserted for impowering the lords of the Treasury to hear all claims for a provision for the loss of places for life; and to enable them to make such provision for them, as should appear reasonable and equitable. The Bill passed the committee.

*Debate in the Commons on the Balances in the hands of Mr. Rigby, late Paymaster General of the Forces.*] June 25. Mr. Attorney General *Kenyon* rose to make the motion, of which he had given notice. He expressed his satisfaction at finding that that notice had been able to produce, at this season of the year, so full an attendance; for it was in a full House that he wished to have important matters discussed. Since he last spoke on the subject of balances in the hands of public accountants, he had consulted some gentlemen of his own profession, and he was happy to find that the general opinion of Westminster-hall was with him in the idea that the public had a right to the issues and profits of its own money. Confirmed in his opinion by that of the most respectable lawyers, he was resolved, in his official capacity, to see that the public had ample justice; and if he should be defeated in his object in that House, he had still the courts of law open to him, in which he should be at liberty to bring this question to a legal decision. He protested that in his present pursuit he was actuated solely by a love of justice and sense of duty; as for party views he had none; he had consulted no man whatever on the propriety of the motions he was going to make, and he did not so much as know that any member in the House would second them; however, he was not the less determined to make them. In reading over the reports of the commissioners of public accounts, he found that the balance in the hands of the paymaster-general amounted to 441,000*l.* in the month of November 1780; it was clearly the opinion of the commissioners that this balance should never accumulate; however, to his very great surprise, he had read, that in two months afterwards, at a time when it was not expected that the commissioners would again turn their enquiries to the pay-office, the balance had risen to upwards of 800,000*l.*: and in May, it had got so high as to exceed 1,100,000*l.* This, he thought, was what, upon the principle of the report from the commissioners, ought not to be borne, and required the most serious investigation: in order to redress this evil, which to him appeared of very great magnitude, he had drawn up the following resolutions: 1. That there be forthwith laid before this House an account of the balance in the hands of the right hon. Richard Rigby, late paymaster-general of his Majesty's forces, of the money imprested to him for the public service, as it stood on the day he went out of the said office. 2. That the right hon. Richard Rigby, late paymaster-general of his Majesty's forces, do, within fourteen days after the commencement of the next session of parliament, lay before this House an account of the amount of the balance of the public money imprested to him, as shall then remain in the hands of the said late paymaster-general. 3 and 4. That the same resolutions, *mutatis mutandis*, be made relative to the right hon. Welbore Ellis, late treasurer of the navy. 5. That the above officers be accountable for the interest they receive from the balances in their hands from the time that they quitted their respective offices. 6. That as it was too late in the session to bring in a Bill to carry the 5th resolution into law before the prorogation, such a Bill ought to be brought in as early as possible in the next session.—On the first resolution being put,

Mr. *Fox* acknowledged that he had not been consulted by his learned friend upon the subject of these resolutions; however, there were four of them which he was very willing to second; but he was not ready to say as much of the two last: he remarked, that the notice had brought together a much greater number of gentlemen than had appeared there for some time; but he hoped that those among

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them, who had voted that other public accountants should pay in their balances, had not come with a resolution to prove themselves inconsistent, by giving a contrary vote on this day; he flattered himself they would be consistent, that they would convince the world that impartial justice, not party views, governed them in their parliamentary conduct. His learned friend, it seemed, had consulted several able lawyers, and they had agreed with him, that the public had a right to claim the issues and profits of their own money, in the hands of a public accountant. This might be law, but it did not appear to him to be common sense, and therefore he was the more inclined to think it was not law; for the law of England and common sense could not be at variance. He had always heard the public accountants compared to trustees or guardians; but, in his opinion, the comparison would not hold good. A guardian, for instance, having his ward's money in his hands, might, and ought to put it in a state of lucration: he might put it, for instance, in the public funds, and if, as it really happened, that an estate in these funds should lose one-third of its value, he would ask, was the guardian answerable in law to the minor for this loss? Surely not; for he would say to the minor, with truth and with justice, it was my duty to put your money out to interest; I did so, and I placed it out where I had a right to presume that the security was good; the misfortunes of the country have made that bad, which, when I put out your money, was good; the loss, therefore, must be yours, not mine. This he held to be a sound good answer from a guardian to a minor; but would it be a good answer from a public accountant to the treasury? Not at all; for there the reply to him would very naturally be this: we have nothing to do with your losses; you must bear them yourself, for it was not by our directions that you put out the public money to interest; if you did, it was at your own risk, for you had no authority whatever for so doing. In the one case there was an obligation to make the money superlucrate; in the other there was none. To call, therefore, for interest from an accountant, would be to justify him in placing the public money out at interest, and consequently in a great measure make the public liable to the losses that might ensue. But what would the public gain, if the 5th resolution should pass? Why, next to nothing: for the accountant would then be bound to account only for the interest that he should himself receive: now, this would enable him to oblige all his friends, by letting them have the public money at one per cent., or for no interest; and then what would the public have to boast from this resolution? For his part, he wished that the balances should be speedily paid into the exchequer; but he wished also that the 5th and 6th resolutions should be postponed to the next session, when a Bill might be brought in by which the whole of this business might be properly regulated.

Mr. *Powys* agreed with Mr. Fox in most of his observations, but thought that it would be better to bring in a Bill this session, than let it lie over till the next. The Exchequer was in want of money, and the sooner the balances should find their way into it, the better for the public.

Mr. *Wallace* said, that he had not consulted the gentlemen of Westminster-hall upon the question of the right the public might or might not have to the interest, arising from the public money in the hands of the great national accountants; for his own part he felt no difficulty whatever in declaring that the public had no such right; and he believed that he should not be found singular in his opinion among the gentlemen of the long robe: it was a clear maxim in law that whatever party received the profit, that same party ought to bear such losses as might befal that property; thus if the public should take the interest on the balance, the public ought in justice to put up with whatever loss should happen from failure of security: but was this the case? not at all; for the public really had nothing to do, and would have nothing to do, with the losses; the accountant was responsible for the whole of his balances, and the last shilling of his property, and his liberty, too, must answer for any deficiency. He had no objection whatever that the balances should be paid in, but he wished that a proper time might be allowed to the accountants: the two gentlemen who were the subjects of the present resolutions, were not like many of their predecessors, who had their balances in their hands for years after they had quitted their offices; these gentlemen were but two months out of office; in fact, they continued to be almost as much in office as they were before, with this difference, that they had still the trouble of answering all demands upon the office, without re-



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ceiving any pay or emolument; and yet it was proposed now, that because they derived no emolument for their trouble, they should pay interest for the balances in their hands. He concluded, by moving, that the debate be adjourned to that day three months.

Lord *John Cavendish* concurred with the Attorney General in four resolutions, but did not find himself disposed to agree to the other two. He recommended, that, instead of them the learned gentleman would, in the next session, move for leave to bring in a Bill to bring the balances into the Exchequer; but he did not see the necessity of bringing it in this session; if it should be brought in now, no doubt a reasonable time should be allowed to the accountants for making out their accounts; for instance, six or eight months: now what had passed that day might be taken by them as a warning, and no time would be lost; for the Bill might be so worded, as to deduct the time between this and the next session, from that time that it would be reasonable to allow.

Mr. *W. Pitt* was nearly of the same opinion.

Mr. *Martin* offered his hearty thanks to the learned gentleman, who had made this motion; he had not the honour of being known to him, and therefore, what he now said, could not proceed from any personal motives, but from the satisfaction he felt in expressing his veneration for that noble character, an upright and constitutional lawyer: he congratulated the country in general, and the House more particularly, that they had such a member amongst them.

Mr. *Ellis* said, that though he was one of the objects of the present resolutions, he in fact could be but little affected by them, for though it was stated by the commissioners that the balance in his hands amounted to 130,000*l.* yet this balance was varying so constantly, that perhaps, by the time that he should be called upon to give it in, it would be very trifling; for he was now bound to pay all the demands brought to his office, and he paid, one week with another, about 14,000*l.* a week. He thought, however, that if the balance had been ten times greater than it was, the ancient practice of office would justify him in making as much advantage of it as he could. The ex-accountants were not, he said, exempted from the service: they had trouble, fatigue, and responsibility, but without dignity, power, or salary; it would therefore be a hardship upon them to call upon them in two months after they had quitted their office, to give in their balances immediately.

Commodore *Johnstone* observed, that there was such difference between the treatment held out to the two late accountants, subjects of the resolutions, and their predecessors, that he was naturally led to ask what was the cause of such difference? Was there any delinquency in the case of these two gentlemen? None at all; why, then, should the executors of lord Holland have many years to pay in his balances, while these two gentlemen were not to be allowed more than two months? He said, that his reason for coming down, was not to support any particular cause right or wrong, but rather from curiosity, to hear how the right hon. secretary (Mr. Fox) would behave in a cause, in which he himself was so greatly concerned. He concluded, by seconding the motion for adjourning the debate.

Mr. *Aubrey* wished that some means might be devised that would bring the balances soon into the Exchequer, without giving any cause of complaint to the gentlemen concerned.

Mr. *T. Townshend* contended that no time was to be lost; that the public borrowed money at very great interest, and that it would be shameful to suffer half a million of money to remain in the hands of private persons; and he hoped the House would not agree, that such of the resolutions as were unexceptionable, should be put off to another session.

Mr. *Rigby* had no objection that the balance in his hands should be known; it was proper that the public should have their own, and he was very willing to give it to them, but he thought that it would be proper to give him a reasonable time to prepare for the payment; and the longer time that should be allowed to him, the greater he would deem the indulgence. As to the use which he made of his balance, he would say nothing of it; but this much he would assure the House, that when he should be called upon to deliver upon oath an account of the profit he made by the use of his balance, it would be found so small, that if the account was not given upon oath, it would scarcely be credited. As to the present appearance in the House, he very freely confessed that he had applied to many members to come down, and hear what was to be proposed; but he hoped that friendship for

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him would not have such an effect upon them as to make them vote in his favour, unless they should be convinced that they were voting on the side of justice.

Lord *North*, finding that it was the general wish of the House that the two last resolutions should not be put, said, that if the House was so agreed, there was an end to all contest, and he hoped there would not be a second opinion in the House, and consequently that gentlemen would have no cause to complain of the full attendance that had been given that day. He then entered into some general observations on the claim of the public to the interest arising from the balances; and admitted that the doctrine of Mr. Fox on that subject was perfectly orthodox.

Mr. Fox said, that though he opposed the two last resolutions, still he firmly supported all the others, that if they should be put off this day by the question for adjourning the debate being carried, he would renew them in one shape or other, every day till the end of the session.

It was agreed that the Attorney General's four first resolutions should pass, and that the others should be withdrawn; Mr. Wallace, therefore, agreed to withdraw his motion for adjourning. The Attorney General, after his four first resolutions had passed, withdrew the others, and in the stead, moved, "That leave be given to bring in a Bill to direct the payment into the Exchequer of the respective balances remaining in the hands of the right hon. Richard Rigby, late Paymaster General of his Majesty's Forces, and of the right hon. Welbore Ellis, late Treasurer of his Majesty's Navy, for the use and benefit of the public; and for indemnifying them in respect of such payments, and against all future claims relating thereto."

Mr. *Brett* opposed the motion; he said, that as a reasonable time would necessarily be allowed to the gentlemen in question to make up their accounts, so of course, in order to prepare for the event, they would stop payment on account of their former engagements, and he should not be surprised, if by the stopping of payment in the office of treasurer of the navy, a mutiny should happen in every ship in the fleet.

Mr. *Ellis* made nearly the same observation.

Mr. *Eden* opposed the Bill as unnecessary; because if the accountants were to be allowed time till after the commencement of the next session, it would of course be time enough to pass such a Bill in the beginning of next session, unless something personal was intended against parties.

The *Attorney General* took fire at the idea of imputing to him any thought of personality or malevolence in his conduct on that day; he hoped the gentleman did not look into his own heart, to find out the motives by which he was actuated that day.

The House divided:

Tellers,

| | | |
|---|---|---|
| Yeas | Mr. William Baker<br>Mr. Ord | 116 |
| Noes | Mr. Perceval<br>Mr. Adam | 127 |

The new ministry were thus left in a minority.

*Bill for Regulating the Office of the Paymaster General of the Forces.*] June 26. Mr. Burke presented his Bill "for the better regulation of the office of Paymaster General of his Majesty's Forces;" which was read twice for the greater dispatch.

Mr. *Ewer* said, that he should probably be obliged to make some opposition to the Bill, as it went, in some measure, to compel the Bank to receive that money which used to lie at the Pay-office.

Mr. *Burke* replied, that if the Bank did not like to be troubled with the money, they were, no doubt, at liberty to object to the Bill; and, if their opposition should be successful this session, he made no doubt, but, by the next session, he should be able to find other persons, who would be able to give as unexceptionable security as the Bank for the public money.

June 28. The House then went into a committee on the Bill, and it was agreed that the blank for the day on which the Bill was to commence, should be filled up with the words, "1st of January next."

Mr. *Burke* stated one particular saving that would accrue to the public by the regulations of this Bill. The paymaster of the forces might, in his capacity of treasurer of Chelsea-hospital, be deemed virtually a colonel, in one respect at least, for he enjoyed the profits arising from the contract for clothing the pensioners belonging to that Hospital. His predecessor had enjoyed a profit of 700*l.* arising



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from this contract; and yet, to do his predecessor justice, he had not made a bad bargain for the public: but since he (Mr. Burke) had come into the office, he had made a new contract, upon much harder terms for the contractor; but as the contractor was not a member of parliament, but the person who was himself to furnish the clothing, he was able to live by the contract, and yet the public would gain 600*l.* more upon it than Mr. Rigby had gained; so that in fact, both sums added together, there would be a saving upon the contract of 1,300*l.* which saving, instead of appropriating to his own use, he would bring forward for the use of the public, to make part of the ways and means towards raising the supply.

The Committee went through the Bill, which passed the Commons on the 2nd of July.

*Debate in the Commons on the Bill for compelling Persons holding Places in the West Indies and America to reside there.*] July 1. On the motion for going into a committee upon the Bill from the Lords intituled, "An Act to prevent the granting in future any office to be exercised in any colony or plantation now, or at any time hereafter, belonging to the crown of Great Britain, for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof, and behave well therein,"

Mr. *Hartley* opposed the Bill as containing doctrine, and leading to a principle which must retard, if not prevent all amicable settlement of our contest with America. It assumed the power of appointing officers, and would certainly raise unspeakable fears in the minds of men, that the old system was to be pursued.

The House then went into a committee on the Bill, when Mr. Hartley resumed his speech: he contended for the necessity of an alteration, and called upon the ministry, if they expected the support of the people, to remember their former assurances both to this country and America.

Mr. Secretary *Fox* assured the hon. gentleman, that nothing hostile to America was intended, nor was he ever mad enough to think of exacting obedience by force from that country. Having said this, he adverted to what Mr. Hartley had said, of the necessity ministry were under of the support and confidence of the people; and agreed with him at all times that support was to be wished for, but more particularly at that very moment, when this country had received one of the greatest blows she perhaps ever received, in the death of a noble personage [the marquis of Rockingham, who died that morning at half past eleven o'clock] who was as great an honour to his country as he was an ornament to human nature; others might possess more brilliant and splendid talents, but he knew of none that was a truer friend to his country, or who possessed that peculiar mixture of firmness of mind and softness of manners in a more eminent degree: he was a man who loved and supported the constitution, and by his great personal qualities, was the centre and cement of all those who were lately called to his Majesty's councils. The loss of so great a man must, no doubt, be felt by all those who acted with him, as well as by the public in general; and it peculiarly required the cordial co-operation of the latter at this particular juncture, to support the former, in order to bring back this country to that degree of power and independence she formerly possessed.

Mr. *Hartley* joined with Mr. Fox in his eulogium on the noble marquis: and said, though the Bill was not yet perfectly to his mind, he should only give it a single no, without any other debate.

July 2. The report of the Bill being brought up,

Sir *G. Savile* said, that thinking as he did of the Bill, he could not consent that it should pass, unless it could be so amended, as to strip it of those parts, from which he apprehended very serious consequences; he was of opinion, that the Bill was, and would be deemed an act of legislation, for thirteen discontented colonies of America, over which we had so often declared our readiness to renounce every species of legislation; either ministers intended to acknowledge the independence of America, or they did not; if they did not, he could not conceive how they could bring back the colonies but by war against them, which would be contrary to the famous resolution of the House to put an end to the war in America; if on the other hand they intended to declare the colonies independent, and he was convinced that such a measure was absolutely necessary, then this Bill would be a dangerous preliminary, and might interpose very serious difficulties. He was appre-

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hensive that this Bill was not the forerunner of an acknowledgment of American independence; and he was confirmed in his apprehension, by this circumstance, that the Bill was introduced into the House of Peers, by a nobleman (lord Shelburne) deservedly high, no doubt, in the opinion of the public: but who was, at the same time, known not to be, at best, a friend to American independence; now, as he himself was an advocate for that independence, because he thought it necessary, in the present state of affairs, so he must oppose a Bill, which, in his opinion, would militate against that measure; in order, therefore, to prevent the fatal consequences that must flow from the Bill, if in its present state it should pass into a law, he moved that the words, "America and" be left out.

Mr. *Hartley* seconded the motion.

The *Attorney General* was surprized that such a Bill should meet with any opposition; for it was not liable to any one of those consequences which the hon. member seemed so much to apprehend. The wisdom, integrity, honest views, and disinterestedness of the noble lord who had brought in the Bill to the other House, stood so firmly established in the minds of the public, that he hoped no one would venture to reject the motives which induced him to propose this Bill; in fact, the Bill was of itself a panegyric upon that noble lord, for it was a restraint not upon America, but upon himself, if it was true, as reported, that he was now to be first minister. He was at present possessed of all the patronage of the West-Indies and America; but instead of turning this to the advantage of the younger branches of his family, after the example of his predecessors, he nobly wished to restrain himself so, as that he should appoint such persons only to places in America, as should reside upon the spot, and there discharge the duties annexed to those places. But gentlemen would have the word America left out of the Bill, because it might be an obstacle in the way of independence; did gentlemen recollect that we had provinces in America, which still adhered to us, and acknowledged our dominion? Would not this justify the insertion of the word in question? The omission would, in his opinion, be improper; the insertion could not militate against the acknowledgment of independence, if that was determined on; for the moment the independence of America was acknowledged, that moment the Bill would have as much effect and dominion over Kamschatka as over the colonies.

Mr. Secretary *Fox* entreated his hon. friend to withdraw his motion; for he was convinced, that the only mischief that could possibly be occasioned by the Bill, must arise solely from a debate, or division upon it. The word America, which stood in it, was really so harmless, that he almost believed it to be unnecessary: the hon. member had refused to take the word of any minister, or man, that nothing bad was intended in a Bill, the wording of which, to him, appeared dangerous: the hon. member was right in not taking declarations of individuals in such cases; but still he thought that the last thing that could have occurred to any man, was, that while the present ministers enjoyed the confidence of their sovereign, any idea existed in the cabinet, of reducing America to obedience by force, or that the system was to be pursued which that House had so justly reprobated. He would speak for himself, that it was firmly his intention to grant unequivocal, unconditional independence to America; he could not speak peremptorily for others, but he belived he could say with confidence, that this was the opinion of all the members of the cabinet. At any rate, he declared that he would not remain in the cabinet one minute after he should discover an intention there, of bringing America to obedience either by force or negociation: in this resolution, he would say that the cabinet was unanimous; and he trusted, that so convinced were all his Majesty's ministers of the necessity of giving to America whatever she could ask, that no change of affairs, no stroke even of Providence itself, and a severe one had yesterday been given, in the death of the noble marquis, could separate or disunite them. He was not surprised that his hon. friend, judging of the future by the past, should be of opinion, that a noble lord, of whom every one thought highly, would not consent to an acknowledgment of American independence; but the great change of affairs, the reverse of fortune to this country, the state of Europe, and of our own resources, he said, which effected changes in the minds of all wise men, might have brought about a revolution in the principles of that noble lord, and convinced him of the necessity of complying now with terms, which, perhaps, in better times, he would have rejected. He con-

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cluded, by requesting his hon. friend would withdraw his motion; and suffer himself to be persuaded, that while the present ministers remained in the cabinet, their resolution was fixed not to attempt to bring back America to obedience. While he continued in the cabinet, the House might be assured that no measures were framing of any other nature with respect to America, than those which he had mentioned; whenever he should see cause for jealousy and apprehension, he would come seasonably forward, and give the alarm to his country. He conceived himself to be pledged to this, and that he was looked to as the security that the measures with respect to America were right.

Sir G. Savile consented to withdraw the motion, and the Bill was read a third time and passed.

*Debate in the Lords on Mr. Burke's Bill of Reform in the Civil List Expenditure.*] July 3. On the order of the day for the second reading of this Bill,

The *Lord Chancellor* called their lordships' attention to its importance. His lordship said, that in that late stage of the session, and with so thin an attendance, it would ill become their lordships hastily to adopt a string of propositions in themselves very complicated, and in many respects contradictory. It was true, that his Majesty had laid the foundation of a proper Bill, and had called upon parliament to assist in framing a plan that should lead to general retrenchment; as his Majesty was graciously pleased to declare, that he conceived such a measure would tend to ease the burthens of his people. But he was surprised to find that the right hon. gentleman who prepared this Bill, and who some years ago introduced one on somewhat similar principles, should leave out some of the principal offices and places which he then represented as the heaviest grievance, to which his speculative remedies seemed to apply. One of these offices was occupied by a noble duke (of Richmond), who, he was certain, would not suffer any corruption to be practised in any department over which he presided. Whether the Ordnance and the Mint were left out in compliment to his grace's virtues and talents, he would not pretend to decide, but he would positively affirm that they were left out with great propriety and wisdom, because it was the best and fairest ground to proceed upon, to suffer ministers first to make the best reduction and arrangement in their power, agreeably to his Majesty's instructions; and if they did not go far enough, then parliament might take up the business, and in an early session confer and debate on a business of such magnitude, which went to the abolition of some of the most ancient and illustrious offices in the state, which were as old as the constitution itself, and many of them formed a part of it; so that to annihilate them was, in fact, an attempt to destroy the constitution. He entreated their lordships to consider their own dignity, which they were called upon to surrender if they infringed a standing order of their House, hitherto unviolated since the year 1702, viz. that no Money Bill should be committed by their lordships, which was connected with any foreign or extraneous matter. It was true, some attempts were made by the Commons to introduce bills of that description, but they were resisted with that fortitude and firmness which, he trusted, would characterize their conduct on the present occasion. As to the present Bill, with a clause annexed to it, to grant his Majesty 500,000*l.* which in every sense constituted it a Money-Bill, he could call it nothing else than a crude, incoherent, half-formed, ill-digested, unconnected abstract of a plan, to amend or to alter which, their lordships were absolutely prevented by its present form, in direct opposition to their lordships' standing order. It was true, there were three principles in it, to which his lordship as readily acceded, and as warmly commended and adopted, as any noble lord; the first was, to preserve his Majesty's Civil List undiminished, and to make it unnecessary for a king of the British empire to apply to parliament so often to assist him to support the dignity of the crown; the second was to destroy corrupt influence; and the third to prevent the extension of that corruption to both Houses of Parliament. But he could not, with all his aversion to the evils to which the Bill was to apply remedies, give it his support, because there appeared to him so much objectionable and absurd matter almost in every page of it, that he adjured their lordships to defer the consideration of it, more especially, as they must surrender their own dignity, and, in compliance with the menaces of another branch of the legislature, sacrifice a standing order, if they should agree to send the Bill to a committee. He averred, on his honour, that he spoke from the

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conviction of his heart, and an earnest desire to maintain the dignity and privileges of that House. His lordship then moved, that the said order be discharged.

The Duke of *Richmond* said, that he stood in a very delicate predicament. He could not answer through what motives the office which he had the honour to hold, was left out of the Bill, but he could assure the noble lord, that no exertion of his would be wanting to introduce all possible reformation and economy into it. As to the Bill itself, he conjured their lordships not to throw impediments in the way of the first attempt made by ministers towards retrenchment. It was upon this principle they came into administration, and this was the very essence of that system upon which they came into office, and would continue to act. As for the portion of understanding which Providence had bestowed upon him, he confessed it was employed to comprehend the meaning of the Bill, and he must declare, with the utmost candour, that, in his opinion, it did not merit the opprobrious epithets which the learned lord had so freely bestowed on it. It was prepared by a man of as much learning, ability, and probity, as this, or any other country in the world, could produce; and, indeed, he did not expect that the labours of such a man could be received and treated in the terms which came from the learned lord. As to the distinction so much contended, that this was a Money Bill, it never struck him in that light; but as a bill of regulation, economy, and reformation, recommended by the crown, adopted by the Commons, not disapproved of by any of their lordships, and expected, if not demanded, by the people. As to reformation, it was obviously necessary, so much so that every man in the kingdom knew that prodigality and corruption had pervaded every department of government. Many instances of the most shameful depravity came within his own knowledge: many were still undetected. The Ordnance-office, for instance, had established such an interest in the town of Queensborough, that the contracts for shipping were given to the inhabitants of it, in order to create parliamentary influence; and his grace was convinced that a similar practice had prevailed all over the kingdom. But the views and intentions of the present ministers were diametrically opposite, for they had determined to proceed on those principles which introduced them, and to root out corruption wherever it could be found, and thus endeavour to restore the empire to its pristine vigour and glory. This Bill was the first experiment, and he trusted that noble lords would not obstruct its progress, because it did not extend so far as some people might wish. A future opportunity might be adopted to make it more perfect and more extensive.

The Earl of *Coventry* said, that the Bill, from its own merits, should have his hearty concurrence; but its coming from the office of the noble marquis, who was such a strenuous friend to the people, and to every thing that was great, good, and generous, it was the more particularly acceptable to him; and he could not but lament, in common with the nation, that the noble marquis did not live to see completed, what was earnestly the object of his ambition, and the utmost stretch of his desire.

Lord *Stormont* said, he thought the best way of shewing respect to the measure of a virtuous minister, now no more, was not blindly to adopt it, but to exercise their own discretion as legislators, and to examine whether it was proper to be acceded to or not. His lordship declared he had perused the Bill with a great deal of attention, and that there were numberless grounds of objection in the different clauses of it, which he would not then go into, because that was not the proper time for it; it was sufficient for him that the Bill was directly repugnant to the standing order of 1702, and therefore he was convinced, being a Money Bill, the House could not pass it. His lordship mentioned the omission of the board of Ordnance in the Bill, and said, the noble duke himself had admitted, that the regulations of that board, proposed in the former Bill, were inapplicable; it was therefore fair to argue, that when a proper knowledge was obtained of the other offices which the Bill did propose to suppress, the regulations provided for those offices would likewise be found to be inapplicable. He marked the distinction between real knowledge, and the mere conjectures of a speculative reformer, advising the House by no means to countenance the latter, till they had taken time to enquire, in order to be able to judge upon the ground of the former. The noble duke had recommended to the House, not to quarrel with the Bill on account of a few imperfections, but to let it go into

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a committee. He said, such reasoning might apply to bills that could be altered and amended in a committee, but could not apply to a money bill, like the present; he therefore concluded with expressing a hope, that their lordships would put off the second reading to a distant day.

The Earl of *Shelburne* strenuously supported the Bill, and declared the distinct and clear manner in which the learned lord on the woolsack had approved of the grounds and principles of it, had afforded him the highest satisfaction. No one of their lordships had yet ventured to call those principles in question; he hoped, therefore, the Bill would pass into a law. He had no difficulty whatever on his part, in declaring, that so far from being a money bill, or a bill of supply, he thought it merely a bill of regulations, which their lordships had a full and unquestionable right to alter and amend as they thought proper. He ever had, and ever would assert, that their lordships had a clear, indisputable right to alter any bill of supply whatever, and notwithstanding the late very exceptionable extent to which the other House of Parliament had pushed their claim of sole power and authority over money bills, he should adhere to the free exercise of his judgment respecting them, and make such alterations in them, as from time to time should suggest themselves to his mind, as wise, salutary, and expedient. He declared he joined with the House, and the whole public must join in deploring the heavy loss the country had experienced in the death of the late marquis of Rockingham. That noble marquis, however, had by his own example, obliged whoever should be the minister, to do his duty to the public, and had left this Bill behind him as a pledge of his wisdom, his integrity, and his zeal to further the strictest economy in every branch of the public expenditure, and every department of government. The noble duke had said the Bill was the terms on which the present administration came into office. God forbid that the Bill should be the only terms, or that all their services should be confined within such narrow limits! He should not think himself by any means acquitted to his country upon merely carrying through the present Bill; he hoped to introduce a general system of economy, not only in the offices mentioned in the Bill, but into every office whatever. He hoped also in proper time, when the opinion of the people had been taken upon it, to see a wise, prudent, and effectual reform of parliament take place. It was his wish and his expectation to see each branch of the legislature restored to its proper independence, and its proper authority, so that it might stand upon its own legs, and proceed on its own judgment. But, till that general and grand reform could be brought about, ministers were bound to proceed with lesser systems, and smaller plans of regulation and economy, like the present Bill, and he trusted that the House would not, on the paltry ground of mere want of form, so far forget what was due to the public, as not to pass it. He had already, without any compact, brought in a Bill, for the purpose of abolishing the scandalous practice of holding offices in America, with survivorships, three or four deep in some instances, to the great disgrace of this country; it was, he said, incumbent on him to do justice where justice was due; he was therefore happy to have it in his power to declare, that he had found no difficulty whatever in getting the consent of the crown to that measure, and he was persuaded, no difficulty would be found, in the pursuit of any purpose, really founded on public utility. With regard to what had been said, about destroying the patronage of certain offices, he declared it reminded him of the cook at Chantilly, who cut his throat, or shot himself, because the fish was not come down for Louis the 14th's dinner, imagining his own office to be of more importance than any other in the kingdom. His lordship concluded with imploring the House to assist in carrying into execution such measures as the state of affairs rendered necessary.

Lord *Loughborough* declared, he heartily and entirely approved of the principles which the Bill avowed, namely, the clearing off the debt incurred by his Majesty's civil list, and the preventing it from incurring debt in future; he was not however ready to abandon his own rights as an individual member of that House, and to forego the exercise of those rights which the Bill called upon the House collectively to forego. Those who had prepared the Bill had tacked to it a clause that made it a Money Bill, for the purpose of putting it out of the power of their lordships to interfere with it. Thus they were deprived of their rights as one branch of the legislature, and peremptorily called upon to register an edict, whether they

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approved of the form of it or not. His lordship reminded the House, that the standing order of 1702 was not a hasty resolution, proposed or come into on the spur of the moment, but a solemn vote, deliberately passed, and founded on wisdom and necessity. Previous to that vote, there had obtained a practice for the Commons to tack a money clause to every Bill of regulation they sent up, merely to prevent the Lords from altering the Bill, because, whether it was of right or not, the Commons had, as they now did, constantly acted upon the idea that they alone had any power over Money Bills. Feeling the inconvenience of such a practice, the House had made the standing order of 1702, which he considered as their lordships' Magna Charta, and in the face of which, it was neither decent nor proper to pass the present Bill. He shewed the House, that by the contrivance of the persons who had prepared the Bill, their lordships' were reduced to this difficulty; they must either blindly swallow the whole of the Bill, as it was, or they must incur the danger of a difference with the other House of Parliament.—It was needless for him to go at large into an investigation of the clauses, but he would mention a few objections that he had to them, in order to convince the House, that there was sufficient ground of objection in the clauses, and that some of them directly contradicted the avowed principles of the Bill, not the least popular of which was, that it was a Bill tending to lessen the influence of the crown. In the second page, a power was given to the lords commissioners of his Majesty's Treasury, to suppress at their own discretion, certain offices not named, so that the House was called upon to pass a Bill, to grant to the lords of the Treasury a power to suppress what the House was not itself acquainted with. This, so far from being a diminution of patronage and influence, was surely a new unprecedented and enormous increase of both. Other powers were also given to the lords of the Treasury, equally tending to throw an addition of influence into their hands, and to take it from a variety of individuals, with whom it was separately, safely, and constitutionally lodged. The next matter his lordship called the attention of the House to, was a clause in the sixth page, which he emphatically said, "whoever can give me the meaning of, 'erit mihi magnus Apollo.'" He had, he declared, read the clause again and again, and he could neither make grammar nor sense of it. At the same time, that he said this, he was aware that it must be owing to some accident, because he had long known the right hon. author of the Bill, who was as good a judge of language, and as correct a writer and speaker as ever existed. It was, he knew, the custom in a committee of the House of Commons for so many different amendments to be proposed for insertion in one clause, that it frequently happened, that what was originally clear and distinct, became at last involved in inexplicable absurdity. His lordship adverted to the clause in question, and shewed that by the clause beginning with an 'if,' and by some misarrangement of a sentence, the whole had no clear meaning; all that he could make out of it was, a most unconscionable power vested in the lords of the Treasury, viz. the power of delaying the payment of workmen's bills as long as they pleased. He put a case very likely to happen if the Bill passed in its present form; and asked, what sort of justice there would be, if upon an action to be tried in the court in which he had the honour to preside, his Majesty's Attorney General was to plead, that the lords of the Treasury chose to delay the payment of the money, for the recovery of the amount of which the action was brought, and that they were empowered by the Bill then under consideration to make such delay? His lordship asked, to what purpose, circumstanced as the Bill was, would the House wish to commit? They could not alter it in the committee, they could not even correct the grammatical error to which he had alluded; they could only experience the mortification of dwelling upon clauses, that called loudly for alteration, and were replete with obvious defects, which they could not cure, without running the risk of either losing the Bill, or getting into a difference with the other House. For these and other reasons, he advised their lordships to proceed no farther with the Bill that session.

The Duke of *Manchester* asked, where the learned lord had discovered that the destruction of office was the increase of influence and patronage? The power vested in the lords of the Treasury, in the second page, was merely that of suppressing, not of creating offices. With regard to the clause in the sixth page, if the learned lord took the next clause with that he objected to, he would see they



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were connected, and that the sense was clear.

The Earl of *Abingdon* wished well to the Bill, as it tended to public reform. He declared he should be happy to see the idea carried farther, but advised that House not to meddle with the other House of Parliament, nor in any respect whatever to intrude on the rights of the people.

The Lord Chancellor put the question, "That the order be discharged." The question being put thereupon, the House divided: Contents, 9; Not-contents 44. The Bill was then read a second time.

*The Earl of Abingdon's Speech and Bill relating to the Trade and Commerce of Ireland.*] July 5. The Earl of *Abingdon*, in conformity with the notice he had given, rose and said: My lords, having some days ago signified my intention of troubling your lordships with a motion respecting the present relative situation of Ireland and this country, I now rise to say a few words more upon that subject. Persuaded as I was, my lords, that nothing would be left undone in the adjustment of the claims of Ireland upon this country by his Majesty's present ministers that ought to be done; and finding that when those claims were made under the joint concurrence of both Houses of Parliament in Ireland, that they were not only listened to by his Majesty's present ministers, but were handsomely, liberally, and manfully acceded to by them in every particular; (I say manfully, my lords, because, in some cases, it is as much a test of manhood to give way, as it is to demand; and I say in every particular, because nothing was asked that was not granted), I did conceive, that as in music the apt resolution of discords furnishes the most complete and perfect harmony, so the same effect, for the same reason, would as readily and as naturally have been produced here; and conceiving this, that is, supposing instead of discord, that concord was to prevail; and instead of dissention, unanimity was to succeed, although the affairs of Ireland, from the weight and importance of them, had rested long and much upon my mind, they no longer became the subject of my reflections: but, my lords, perceiving that I was mistaken in my conception, and that although Ireland had obtained all she had requested, the measure was not complete, nor was the cup yet full; I then took the liberty of suggesting to your lordships my intention of making the motion which I have just alluded to. But, my lords, finding, from the lateness of the session, that nothing can be done in consequence of this motion, (and that something must be done, I will venture so far to opiniatre this matter, as to presume) the present purpose of my rising, is principally to inform your lordships, that I shall postpone the making of this motion to our next meeting in parliament; when I shall most assuredly, and as early as possible, bring it forward, together with the arguments that I shall then have the honour to submit to your lordships in the support of it.

But, my lords, having said this, I still think that the House should not separate, without my putting your lordships in possession of the nature, drift, and tendency of this motion. It is a respect that is due to your lordships, it is what the House, perhaps, has a right to look for, and indeed the importance of the moment seems to call for it. Whether it may meet your lordships' ideas, or whether any thing that comes from me can merit the attention of the House, is not for me to determine. All that I can say is, that it proceeds from a most sincere and honest zeal to render myself of as much use to my country as I can, at a time when the assistance of all is required, and the services of none are to be rejected. Under these circumstances, then, I am to inform your lordships that the motion which I shall have the honour to make at a future day, being a motion for leave to bring in a Bill, this Bill is already prepared, and being prepared, as it not only takes in the substance of this motion, but comprehends the whole of my object, so to give your lordships the contents of this Bill, is to furnish the House with the information, which for the present I wish to convey; and therefore, my lords, I shall beg leave that the clerk be now permitted to read this Bill.

The clerk accordingly read as follows: "An Act declaratory of the sole and exclusive right of the parliament of Great Britain to make and enact laws and statutes, with power to regulate and controul the external commerce, or foreign trade of Great Britain, and of all such kingdoms and countries, parts, and places, as now are, or may hereafter be, under the sovereignty of, that are annexed to, connected with, or in any wise dependent upon, or whose inhabitants are the subjects of, the imperial crown of this realm.

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"Whereas the right to the sovereignty and dominion of the British seas is the real, fundamental, and undoubted prerogative of the crown of this realm, the kings of England having been (*quatenus* kings of England) not only universally acknowledged to be the lawful sovereigns of the English seas, but as such have had the uninterrupted sanction of no less than between 17 and 18 centuries to countenance and uphold them both in the claim and practice of this right.

"And whereas it being to our maritime force that we are indebted as well for the preservation of this right to the sovereignty and dominions of the seas, as for the protection of our external commerce or foreign trade, for the possession of our valuable colonies and plantations abroad, for our riches, for the improvements of our lands, for the consumption of our manufactures, and for our greatness and power as a nation at home, nay, for the very safety and security of the kingdom itself against the invasions of our enemies; so this maritime force depending for its very being and existence upon the external commerce or foreign trade of Great Britain and its empire, whilst the power to regulate and controul this external commerce or foreign trade by the parliament of Great Britain is as necessary for the prosperity of this trade or commerce, as this trade or commerce is essential to the very being and existence of our maritime force, it is a power vested in the parliament of Great Britain, for the maintenance and support of the prerogative of the crown in the sovereignty and dominion of the seas.

"And whereas this right to the sovereignty and dominion of the seas, whence the power of regulating and controuling the external commerce of foreign trade of Great Britain and its empire by the British parliament is derived, is thus, 'not only the most precious jewel of his Majesty's crown, but next under God the principal means of our safety and wealth, so all true English hearts and hands being bound to keep and preserve the same, even with the uttermost hazard of their lives, their goods, and fortunes:'

"May it therefore please your Majesty that it may be enacted and declared, and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, that the parliament of Great Britain hath, ever had, and of sole and exclusive right ought always to have, power to make and enact laws and statutes to regulate and controul the external commerce or foreign trade of Great Britain, and of all such kingdoms and countries, parts and places, as now are, or hereafter may be, under the sovereignty of, that are annexed to, connected with, or in any wise dependent upon, or whose inhabitants are the subjects of, the imperial crown of this realm.

"Provided nevertheless, that the said laws and statutes, so made and enacted with power to regulate and controul the external commerce or foreign trade of Great Britain and its empire, are not meant or intended, directly or indirectly, as laws and statutes for the purpose of raising a revenue, nor for any other internal use whatever in or over those kingdoms or countries, parts or places, of whose external commerce or foreign trade such regulation and controul shall be had: but as mere provisions of enlargement to, or matters of restriction upon, such trade or commerce as may tend to the common advantage and general good of the whole.

"And whereas the kingdom of Ireland is not only under the sovereignty of the imperial crown of this realm, and thereby partakes of the benefit of our maritime force in protection and aid of her commerce, but the Western sea, in which Ireland is included, is a part of the maritime empire of the kings of England; and whereas by an Act made in the 20th year of his present Majesty, entitled, 'An Act to allow the trade between Ireland and the British colonies and plantations in America, and the West Indies,' the power of regulating and controuling the external commerce or foreign trade of Ireland is taken out of the parliament of Great Britain, (where it of right belongs, and so of right ought to remain) and, in manifest violation and open breach of the constitution, (inasmuch as 'the legislative being but a delegated power from the people, those who have it, cannot pass it over to others,') is vested in the parliament of Ireland; it is hereby enacted by the authority aforesaid, that such Act, so far as it relates to the taking of this power out of the parliament of Great Britain, and vesting it in the parliament of Ireland, shall be, and the same is hereby repealed and made void: but in all other respects the said Act to be and to re-

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main in full force and effect, any thing herein contained to the contrary in any wise notwithstanding: it being in no wise the meaning or intention of this Act to deprive the kingdom of Ireland, in this or in any other instance, of that freedom in trade which should in common belong to that country as well as to this, but merely to assert in the parliament of Great Britain, where also the seat of the empire is, the sole and exclusive power of regulation and controul therein.

"And whereas this prerogative in the crown to the sovereignty and dominion of the seas has been exercised, not only with respect to the external commerce or foreign trade of Great Britain and its empire, but being acknowledged, and having been exerted even against states totally unconnected with and independent of the imperial crown of this realm, and this not only too in the case of a general obedience to our flag, but in the instance of our immortal queen Elizabeth's having actually 'forbid the king of France to build any more ships of war than he had, without her leave first had and obtained;' it is hereby farther enacted, and by the authority aforesaid, that it neither shall nor may be lawful to, nor for any such kingdoms or countries, parts or places of the British empire, as are above described, to erect or to build any ships or vessels of war, or to support or maintain a navy, and otherwise than under the management and direction of the lord high-admiral, or the lords commissioners of the Admiralty of Great Britain for the time being, and as subject to British acts of parliament, and to such other and to the same laws and regulations only, as the ships and vessels of war and the navy of Great Britain are."

The Clerk having finished reading the Bill,

The Earl of *Abingdon* rose a second time, and said: Such, my lords, is the nature of this Bill, and such the ground upon which it stands. The line between Ireland and this country must be drawn; this country demands it, as well as Ireland; and who shall say that this is not the line of right between them? The parliament of Great Britain has nothing to do with the internal legislation of Ireland, nor of right never having had, what it has hitherto usurpedly exercised, it has now honourably surrendered. But, my lords, the seat of the empire is here; the sea is ours; and as to regulate and controul the commerce of that sea for the sake of our navy, is the sole and exclusive right of the British parliament; so to give up that right, is to give up the seat of the empire; it is to abolish and annihilate your parliaments; it is to sever and totally to separate Great Britain from the rest of the British empire, leaving it a country to stand singly, and by itself alone, for it is the only tie, it is the only bond of union that now remains to the British empire; it is to place England as to Ireland, not in the relative situation that Ireland was to England, (though this is a condition not to be submitted to on the part of this country) but it is to raise a competition betwixt the two kingdoms, which must infallibly end in the ruin of both. It is that which America never demanded of Great Britain, and which, if she had demanded, friend as I am to America, and a better friend she has not, I had been among the foremost of her enemies; but not satisfied with this, which America readily yielded to you, you wanted more, and in fighting for that more, you have lost the whole; it is that therefore which the parliament of Great Britain can never accede to Ireland, nor part with but in the act of its own dissolution and destruction. But I am reasoning upon this subject, which I did not intend, and therefore, my lords, I have at present only to move, "that this Bill may lay on the table for the inspection of your lordships."

Lord *Camden* said, that the Bill could not be laid upon the table, until leave should have been first obtained to bring it into the House.

The Bill was therefore not laid upon the table.

*Death of the Marquis of Rockingham— Mr. Fox's Resignation—Change of Ministry.**] July 9. Mr. Fox having resigned

* Whilst parliament was successfully engaged in prosecuting the most effectual measures for the security of its own independence, for healing the breaches of the constitution, and relieving the burdens of the people, a heavy calamity was approaching, which again darkened the prospect that had so happily opened to the nation. This was the loss of the marquis of Rockingham; whose health had been for some time gradually declining, and, at length, sunk under the increasing weight of public cares and business. The first step taken by the court after his death, which happened on the first of July, was the appointment of the earl of Shelburne to be his

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the place of Secretary of State, and lord John Cavendish that of Chancellor of the Exchequer, great anxiety prevailed to hear the reasons of the very lamentable division in the cabinet, and the House was therefore uncommonly crowded.

Mr. *Coke* called the attention of the House to a motion which he held in his hand, respecting the grant of a pension of 3,200*l.* to colonel Barré, which he understood was now passing the offices. The importance of attending to the just expenditure of the public money was sufficiently acknowledged by the House in their late proceedings; and he hoped it would not be considered as an insult on colonel Barré, that in the present exigency of public affairs, he should move a censure on this grant. There was no man in the House more sensible of the merits of the right hon. gentleman, and no man more sincerely wished to see those merits rewarded: but this was neither the shape nor the season for such rewards; at a time when we were told so much about the improvident waste of former ministers, and the necessity of rigid economy now, he was astonished to see the present grant; he was astonished to see the language and the practice of men so much at variance, and he considered it as a very proper subject for the consideration of the House; but before he made his motion, he wished to be properly informed of the fact, and he therefore requested some one of the members of the Treasury Board to say whether it was true, that such a grant was now in its passage through the public offices.

Mr. *F. Montagu* said, it certainly was true that a warrant had passed the Treasury-board, for a pension of 3,200*l.* to the right hon. gentleman, to take place on his quitting his Majesty's service.

Mr. *Coke* now observed, that having brought this business thus to light, it remained with him to do what he conceived to be his duty on such an occasion. There was a clause, he said, in that Bill, for reforming the civil list, which lay ready for the royal assent, by which the minister of the day was to be restrained from granting a greater pension than 300*l.* a year: now, if this clause was necessary in the present situation of affairs, he conceived it to be improper in ministers to grant the pension in question, and highly indecent to hurry it through the different offices, that it might pass the seal, before the Bill should pass into a law. He was returning to his constituents, and he should, no doubt, be asked if the new ministers kept their word with the public, and were careful husbands of the public money; what must be his answer, if such a pension as this should pass the seal? Now was the time to interpose; in order therefore to prevent an additional burden from being laid upon the people, he would move, "That an humble Address be presented to his Majesty, that he will be graciously pleased to inform this House, which of his Majesty's ministers have presumed to advise his Majesty, in the present calamitous and distressed state of the country, and in the moment of reform, to add to the distress of it, by granting a floating pension of 3,000*l.* a year to the right hon. Isaac Barré, treasurer of his Majesty's navy, to commence at the time that he ceases to hold that office."

Mr. *F. Montagu* took to himself a share in the blame, if any there was, of the measure which the motion censured, because he was one of those who had signed the Treasury warrant for the pension: but he was much inclined to think that there was no blame at all, and he hoped the House would think so too, when he should have informed them that the warrant had been signed also by that great and respectable personage, whose memory would ever be held in veneration, and whose loss the whole nation must long deplore; it was unnecessary for him to say he meant the noble marquis who had lately presided at the Treasury-board: such was his opinion

successor in the Treasury. Lord John Cavendish and Mr. Fox soon afterwards resigned their offices, and were followed by the duke of Portland; by Mr Montagu and lord Althorpe, from the Board of Treasury; by lord Duncannon and Mr. J. Townshend, from the Admiralty; by Mr. Burke, and by Mr. Lee the Solicitor General. Mr. William Pitt was made Chancellor of the Exchequer; Mr. T. Townshend and lord Grantham, Secretaries of State; Mr. Pepper Arden succeeded Mr. Lee; the Lord Advocate of Scotland succeeded Mr. Barré, who was removed to the Pay-office; and earl Temple was appointed to the Lord-Lieutenantcy of Ireland. The secession of such a weight of talents and integrity from the service of government, could not be regarded with indifference. The motives which were supposed to have actuated them, were variously represented; and some insinuations being thrown out, highly injurious to the public character of the persons concerned, the first opportunity was taken of bringing the subject to an open discussion in the House of Commons.

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of the integrity of heart, and firmness of mind of that noble lord, to resist every thing that ought to be resisted, that his concurrence or approbation was sufficient to sanctify, in his mind, almost any act. There was then sitting by his side a noble lord (Althorpe) of whom, if he was not present, he would draw a picture, which to those who did not know him, might appear flattering; but to those who were acquainted with him, fair, just, and impartial; that noble lord, who promised to tread in the footsteps of the noble marquis, and to be one day as amiable in the eyes of his country—that noble lord had also signed the warrant: to two such names could he have made any difficulty to add his own? But if his name stood alone, he would hold himself justifiable for having signed it, when he considered the merits of the gentleman who was to receive this pension; he had for twenty years faithfully served the public in parliament, and watched over the actions of ministers, with an attention and diligence that deserved the greatest applause: he had, in consequence of his political conduct, lost situations, which, if he had been less disinterested, would have rendered it unnecessary to grant him this pension: his disinterestedness ought not to go unrewarded; and it would be a reproach to the public, if he should, in the latter part of his life, be exposed to inconvenience. He had, himself, been but a short time in office, and he was going to retire from it: so far, however, was he from reproaching himself with any misconduct while he was in it, for having granted this pension, that all he lamented was, that he had not signed a warrant for such another pension, in favour of a most respectable gentleman, whose services to the public deserved to be amply rewarded. He concluded by moving, that the debate be adjourned.

Lord *Althorpe* rose also to pay his tribute to the memory of the late noble marquis, whose loss the country could not sufficiently deplore. The hon. member, to whom the pension in question was granted, had well-founded claims to public reward; his services were singular, and upon them he would rest his defence against any charge that should be brought against him, for having concurred, as a lord of the Treasury, in signing the warrant.

Mr. *Grenville* confessed that he also had concurred in the measure alluded to; and was satisfied, that the character of the hon. member, who was the object of the present motion, would be the best justification he could urge.

Colonel *Barré* begged the House would indulge him with their attention to a few words on a subject which so very nearly concerned him: he said he did not blame the hon. member who had brought forward the business; he had done no more than his duty; and most probably he himself, *mutatis mutandis*, should have acted precisely the same part; but he would not allow the hon. member to assume to himself any merit for having brought to light a transaction, which from the beginning had never been kept a secret; it was known every where; he could not see any reason that could justify the hon. member in saying that it was now hurried through the offices, as the pension had been granted almost from the very day when the new administration came into office. It did not become him to state claims, or enlarge upon pretensions that his friends might think he had to public favour; he would therefore only state what he had been, and what he might now have been, if his conduct had been different from what that House had seen it. In the last war he had the honour to command a regiment of 1,000 men; and he trusted, that while he enjoyed that command, he had disgraced neither himself nor his profession; at the peace his regiment was broke; and as he had served a campaign as adjutant-general to the immortal Wolfe, he was appointed to that office at home; he was at the same time made governor of Stirling Castle, both which places were worth to him 1,500*l.* net money: it was true that he ought not to look upon these places as a tenure for life; however, they were military places, and he had a right to imagine that he should have been dismissed from them for a military offence only: in this, however, he had been mistaken; he was an enemy to general warrants; he had voted against them as a member of parliament, and the very next day he was dismissed from his military employments for this political offence. It was the etiquette to give a regiment to the adjutant-general, in order to give him the more consequence and weight; he did not know whether he should have got a regiment of dragoons or of infantry (for there would no doubt have been a difference in the income) but he knew that his successor in the adjutant-generalship had cleared 4,000 guineas a year; this income he should have enjoy-

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ed, had he been less a friend to the liberties of the people; and at this day he would have been an old lieutenant-general: the loss of his adjutancy and government was not however enough; he had the half-pay of a lieutenant-colonel, about 166*l.* a year: a junior officer was promoted over his head; he had remonstrated, and sued for his rank; but he was too obnoxious to the men in power; and as it had been foreseen, he gave up his half-pay: honour had its delicacies, and he had rather starve than sacrifice his feelings. Thus he had lost his very profession, and in return he was to enjoy, whenever he should quit his present office, a pension not more than equal to the half-pay annexed to the rank which he should now fill in the army, if he had not given up his profession: the pension appeared to be high: 3,200*l.* sounded big; but in fact, after the deduction of taxes, fees, &c. the real amount to him would be *little* more than 2,100*l.* If this appeared to the House to be too much, let them say so, and curtail it; or if they disliked the whole, let them annihilate it, for he would not wish to put into his pocket a single shilling of the public money, which that House should think he ought not to receive. If any one honest man in the House would say, that after such sacrifices, he did not merit this provision, and the House should agree with him in the sentiment, he would cheerfully give it up.

Mr. *Aubrey* thought it impossible not to notice what had been said respecting the contingency of a pension, which might hereafter devolve upon the right hon. gentleman, whom, he said, he was happy to call his friend. He declared that the hon. gentleman, who made the very unexpected motion before them, could not possibly be a more decided enemy to pensions than he himself was; and particularly as they had been prostituted in some glaring instances. But he should ever be an advocate for justice; and, in the present instance, he could not help considering the contingent provision that was made for the right hon. gentleman, as the discharge of a public debt to an individual. He believed the House was persuaded no great danger could arise from the precedent established in his right hon. friend's case.

Mr. *Bamber Gascoyne* approved of the motion against the pension; for though he revered the abilities of the right hon. member to whom it was granted, and acknowledged his deserts, still he must condemn the grant, as a profusion of the public money, by those very men, who, since they had been in office, had done nothing but paint the country as totally exhausted, and unable to support the necessary establishments for war. They had condemned the late ministers for having spent the last days of their administration in granting pensions to persons who had been many years in the service of the public; but scarcely had they got into their offices, when they began to practise the faults which they so loudly reprehended. The people at large would know how to form a proper judgment of this conduct: he himself had for 20 years served the public, and had not got a pension; others had not served it as many weeks, and were to be amply provided for: he disapproved of the pensions granted both by the old and new ministers; he did not like to see judges receive favours from the crown, for that was the way to make them dependent upon it; and having said that, he must condemn those, who at the same time they were arraigning their predecessors for prodigality, and declaring that the finances of the country were completely distracted, were heaping new burdens upon the unfortunate people. The new ministers, however, appeared better qualified for finding fault, than for avoiding the commission of faults. The late cabinet was condemned for not having sent out sir George Rodney with admiral Kempenfelt, in order that the French convoy might have been wholly intercepted; and yet the very same men who censured the late ministry for not having sent out a stronger force, had suffered the valuable convoys for New York, Quebec, and Newfoundland, to sail almost without a convoy, when the combined fleets were known to be at sea. It was a constant topic with them also, that the late ministers were always divided among themselves, and perfect strangers to unanimity;—but what was the unanimity that prevailed in the new cabinet? It was a non-entity: for, though there was not the least attempt made by the old ministers to divide the new cabinet, or thwart their operations, still they were much greater strangers to unanimity than their predecessors had ever been; and their discord was the more culpable at present, as it was now the more dangerous, when the combined fleets were perhaps upon our coasts: if lord Howe should fall in with them, and any disaster should befall him, what must be the situation of

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the country with a shattered fleet and divided councils? As to the motion, it should certainly have his concurrence; and he looked upon it as the more necessary, from having heard an hon. member say, that he was sorry he had not had an opportunity to sign a warrant for a pension also to another gentleman. The gentleman alluded to (Mr. Burke) had unquestionably very great merit; but if pecuniary rewards were to be bestowed upon every man of merit, he believed the most able financier in the kingdom would be found unable to find funds for such rewards.

Mr. *Martin* said, that when he seconded the motion against the pension, it was not from any dislike to the hon. member who was the object of it; ke knew his merits and prized them highly; but he must condemn an expenditure of public money, which, in his apprehension, militated against the general œconomy which he understood was to have been established by the new ministry.

Mr. *Fox* now rose, and said, that he had the honour to be one of his Majesty's confidential servants when that grant, which was now the object of debate, was agreed to; and although he was not the person in whose department it lay to advise the King on the subject, still he held himself as responsible to parliament for the advice that was given. He considered the pension as a payment for services most honourably performed; and he by no means, on the maturest deliberation, thought that, all the circumstances considered, it was either a lavish or a misapplied grant. Having given honourable testimony to the character of colonel Barré, and to his merits, as well as to the integrity of the noble marquis, who, by being at the head of the Treasury, was immediately concerned in the grant now in the consideration of the House, he said, that at the same time that they acknowledged the justice of the present grant, and of another which had been alluded to in that House, the pension granted to lord Ashburton, it was peculiarly honourable to the friends and connections of the deceased marquis, that all the acts of his administration, which had ever been complained of in that House, had ever given rise to a motion, or had ever been alluded to in a speech, were acts of friendship to men with whom he had little or no connection; with whom he had no remarkable coincidence of sentiment; men who were not attached to him in any shape whatever; but who were distinguished by their intimacy and connection with another noble person, who made a part of that administration, and who now was to be the head of the new one. The only jobs in which the Rockingham administration were concerned, were jobs for two men, neither friendly to their persons nor principles. An hon. gentleman had said, that the grant was unwise, impolitic, and lavish, and that it was peculiarly so, in coming from men who had so loudly talked of reform, and of the necessity of public economy. To all this he could only say, that the pension now bestowed, was a thing, in fact, contributing to public reform, for it was a reward, bestowed on a man, who had most nobly pursued the object of public reform, but who had certainly not been singular in that important matter, as it had come from an hon. gentleman who sat behind him (Mr. Burke). To reward the labours of men, who had the good of the public in view, was always politic, and could not be stigmatized with the character which was due to the lavish and improvident acts of the late ministry. It was however to be observed by that House, and to be remembered by the people, that the only favours which had been conferred, and the only defalcations from that principle which had taken place during the short ministry of the marquis of Rockingham, had all been in favour of that person and his friends who were now to form the administration of this country.

But the right hon. gentleman had particularly alluded to the present circumstances of the ministry, and to the division which had lately taken place: he had said that they resembled their predecessors in being disunited, and divided in their counsel. To this he must answer, that he had blamed the last ministry for having the meanness to continue to act, when they found themselves divided; and to hold the reins of government, when they saw that there was no concert nor unanimity among themselves. He blamed the noble lord in the blue ribbon for having remained in place, responsible for measures of which he had not cordially approved, and when he found himself at the head of distracted councils.

He blamed him for continuing in power under such circumstances, and having done this, having charged him with guilt for having continued in such a situation, what was left for him, when he found himself in a similar situation? Most undoubtedly to

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retire, when he found himself in a cabinet divided upon points which he considered of the utmost importance. Without treachery to his country, he could not remain in power when such opinions were held, and such a system was to be begun, as he considered to be dangerous, if not fatal. He retired, therefore, to prevent disunion, to prevent the distraction which he conceived to be so ruinous, and by so doing he had at least preserved to himself the consolation of reflecting, that he had not remained in power longer than the system upon which they came in continued to be pursued. He considered it as honourable to the party, with which he had the happiness to act, that they had not been the hunters of pensions, and of emoluments; and that though it might be a proof of wisdom in some men to secure profit and emolument to themselves, it was a point of wisdom with which they were particularly unacquainted; but there were men so wise in their generation, that they had always taken care to look forward to profit, and were likewise careful to secure to themselves this profit by the labours of others.

He thought himself bound to answer to his country for his conduct in having withdrawn himself from a cabinet which had been formed by the firmness and opinion of the country at so critical and alarming a period. He must, therefore, say, that when he went into that cabinet, he considered himself as pledged to his country for the system to be pursued. He was in that particular situation, which demanded from him the most explicit, fair, and direct proceeding; it was his disposition so to act; in the discharge of his duty to his king and country, he was anxiously solicitous that the principles upon which they came in should be most religiously and implicitly observed. What, then, could he do, when to his plain and evident conviction those principles were departed from by some of those ministers? It was his immediate duty to retire from a situation, in which he could no longer act with honour to himself, as he could no longer act with service to his country. When he saw that there was no prospect of those principles being any longer pursued, upon which the administration had been framed; when he was farther confirmed in his opinion, by seeing that his immediate friends were equally alarmed, and saw with the same eyes, he felt it to be his immediate duty to retire from his post; to leave those persons, who thus chose to abandon principles, and on the most important point of all the points which gave rise to their ministry, chose to deviate into new grounds, to their new system; and that he ought instantly to come forward and to declare the suspicions which he entertained, and to warn that House against the system which was to be revived.

He declared, that he, for himself, felt it to be his peculiar duty to observe the conduct of the men who were appointed to fill the offices of government; for having to answer to that House for the exact system which they had pointed out in the formation of the ministry, of which he made one, and having declared that he should certainly depart from that cabinet, whenever that cabinet should depart from the system, he did now think it his duty to come forward, and to declare that he had left his situation, and had resigned, because he believed the day was come when the system was to be abandoned, when new opinions and a new system were to be formed, or rather when an old one was to be revived. He said that he could not, and he must not, for obvious reasons, enter into a detail of the matters which had given rise to this difference between himself and others who had retired, and those who remained in the councils of the King; he could only say, that there were several points on which they had most materially differed, and after which he should have considered himself as guilty of the most direct treachery to his country, if he had, after this difference, continued any longer to hold out his name and support to an administration, which was not pursuing the line chalked out for them by that House, and by the people of England. His situation was so peculiar in that House, that he should have been particularly unpardonable, if he had been mean enough to submit to continue in a situation, which he could not hold for the service of his country. For it was to him in particular that that House would look, as from his situation he had come down with the measures of the cabinet; and being given to understand that he was looked to, from the promises which he had made, and told by persons, whom all men must respect, that they should consider his continuance in office as a proof that the principle was rightly pursued, and that they should expect him to come forward, and give the signal when the system was changed, and



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when the principle was abandoned, he felt it to be indispensably necessary that he should come forward and ring the alarum bell, and tell this country that the principle on which they had, with due deliberation, formed this administration, was abandoned, and that the old system was to be revived, most probably with the old men, or indeed with any men that could be found.

It had been said of him, and he must answer to the charge, that he had gone out upon pique, and that it was a contest about places and power. This he denied. They had taken a strange method of shewing their fondness for emolument, by suffering all the favours and grants, all the pensions and gifts, to go in favour of those who were now to be the ministers. But it was a ridiculous charge, and he was happy to know that men of the most respectable characters, who were themselves in the secrets of the cabinet, and who were possessed of the purest and most inflexible principles of integrity, approved of this conduct, and agreed with him in thinking that they could not, and ought not to have any farther confidence in those men, who were now to direct the councils of this country. He had no enmity against those persons, he had no personal nor private enmity to them, but undoubtedly their conduct was reproachable and blamable in his opinion to a very high degree. They were men of that magnanimity of mind which was superior to the common feelings of humanity, for they thought nothing of promises which they had made; of engagements into which they had entered; of principles which they had maintained; of the system on which they had set out. They were men whom neither promises could bind, nor principles of honour could secure; they would abandon fifty principles for the sake of power, and forget fifty promises, when they were no longer necessary to their ends. He had no doubt, but that to secure themselves in the power which they had by the labour of others obtained, they would now strive to strengthen themselves by any means which corruption could procure; and he expected to see that, in a very short time, they would be joined by those men, whom that House had precipitated from their seats.

For his own part, he was free to confess, that he had not quitted his seat, without a pang. He was not insensible to those distinctions which it gave him. He was neither incapable of vanity nor of ambition; he had the vanity to be pleased with the applause of the good and virtuous, and he had the ambition to be serviceable to his country. But there were considerations superior both to his vanity and his ambition, the considerations of duty and conscience; the duty which he owed to that House and to his country of warning them of the danger which he saw approaching, and the conscience of reflecting that he had discharged his obligations with fidelity and firmness; and that if his country was to be ruined by a renewal of that system which it had been the labour of years to demolish, he had at least the consolation of reflecting, that it was not owing to him. Moved by these considerations he had, though in circumstances, in point of fortune, by no means enviable, relinquished the pomp, the profits, and the patronage of office; he had left all this, which undoubtedly he could not cease to regret, more perhaps for the sake of others than of himself? but these were not the dearest of the sacrifices which he had made, he had had the misfortune to lose for a time the friends that were dearest to him upon earth, the men of all others whom he loved and revered, because they were men of all others whom he conceived to have the purest hearts, and the most upright intentions. They were lost only for a time, he said, because he was convinced that the professions which had been made to them, and the delusions which had been held out, though they had imposed upon them now, could not long deceive them; their sagacity would at last penetrate through the disguise of those by whom this country was now to be governed, and they would come over to his way of thinking, perhaps after fatally giving a sanction by their names to an administration that would more fatally undo the country than any that ever was formed or suffered to exist in this land. He must content himself for the present with the conviction of his having acted right, and with the determination of continuing to do his duty, and to watch as a member of that House the measures of that ministry whom he must, and always should distrust. From the experience that he had had, he might be dispirited, yet being his duty, he would not shrink from it; and he had this confidence, that though this new system might go on for days, weeks, months, or for years, it must, like the last, crumble into atoms, as all administrations and systems must do,

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which were not founded in publicity, in virtue, and in honour.

General *Conway* lamented exceedingly that the right hon. gentleman and others of those, who on the late most important change had taken an active and responsible share in the administration of this country, should have withdrawn themselves from it, and at such a moment have so considerably weakened that government, which was so strongly and so powerfully supported by the people. For his own part, he must say that he had not quitted that cabinet, because he did not feel that there was the smallest appearance of defalcation from the principles on which they sat out. It was to be observed, and he certainly must expect, that in a cabinet composed of eleven men, all with strong, manly, and independent minds, there would be shades of difference in their opinions, there would be scruples, and shades of difference, unessential and unimportant, as they all agreed on the great outline, object, and end which was in view, and only differed about the means of obtaining it. For his own part, he could not bring his mind to weigh these scruples, and to scrutinize these distinctions, as his understanding could not reach their subtlety; he had a mind so poorly framed as to comprehend only the gross outline of a measure, and to be very well satisfied, that if that object was pursued directly and fairly, it might be pursued either this way or that way, as those who were to execute the matter might be pleased to determine or prefer. He professed, then, that besides these small and nice shades of difference, he knew of no disagreement and division in the cabinet, which reasonably ought to have induced the right hon. gentleman to resign his place, and withdraw his powerful talents and great influence from the government of this country, to the establishment of which he had contributed so much. He declared, that if he had any reason for thinking that there was a defalcation from principle, and that there was any just ground for apprehension that the earl of Shelburne would not pursue with directness the system upon which they had come into office, he would not stay for a day, for an hour, in that cabinet; this was his declared and determined resolution, and he pledged himself to his country for the performance of that promise. But it was not the quality of his heart to enquire with scrupulous nicety what men were to carry good measures into execution. Provided the measures were good, it was a matter of perfect indifference to him whether they were executed by this man, or that man, and whether this minister was called a Shelburnite, or a Rockinghamite. All this was indifferent to him, and had been so through life. He had never made any quarrel nor intrigue about party; and for this he had been often blamed, but he could not help it; it was the weakness, or the virtue of his nature.

But he said, that he knew of no deviation from the principles on which they set out. To see that this was the case, it would be proper that he should state what were the principles on which they did set out. First, then, it was the principle on which they set out, "That they should offer to America, unlimited, unconditional independence, as the basis of a negociation for peace." The House would give him credit for saying, that he had for years held it as his opinion, that this was the thing to which we were approaching; but, that he had always declared it to be a great evil approaching, and that whenever it did come, it would come as an evil. He was now brought to feel the necessity of granting this independence, and this was the first great principle on which the present administration had come into power, and had begun to act. Had this principle been abandoned? He conceived not, and that the noble person who was now first lord of the Treasury did not differ about this principle. There might be some difference about the means by which the object was to be obtained. It was a difference which however was very immaterial. He did not lay claim to the splendid talents of the right hon. gentleman, but he did lay claim to a little common sense. If he could not penetrate into all the minutiæ of an object, he could see and comprehend the outline, and if he had any view, or prospect at all, it certainly was, that he was pursuing the independence of America as the means of peace. The second principle was, "that they should establish a system of œconomy in every department of government; and that they should adopt the spirit, and carry into execution the provisions of the Bill of Reform introduced into that House by Mr. Burke, and which was now ready for the crown to pass." Was this principle abandoned, or had there been any symptoms whatever of there being a design to part from it? The next principle was, that "they would

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annihilate every kind of influence over any part of the legislature." This also was a principle which he assured the House, the cabinet was seriously inclined to carry into execution, and he knew of no division whatever about it. Another principle was, "that they should continue to the kingdom of Ireland, and secure to it the freedom as now settled by parliament; and to do this in the most unequivocal and decisive way." In all these principles, therefore, he conceived there was no deviation, and no cause either of apprehension or of jealousy; and he was determined to continue in his place so long as these principles were adhered to.

These were the great principles upon which the administration was formed; the House could already pronounce how faithfully three of them had been adhered to; as to the other, which related to America, time would convince them, that the cabinet were as determined to adhere to it as to the others: for his part, he thus proclaimed these to be his principles; hitherto, he had every reason to say, they were the principles also of the cabinet; but if ever it should be resolved in council to depart from any one of them, he would rest satisfied, to be pronounced the most infamous of men, if he should continue to act one moment with those men who should enter into such a resolution. For his part he never would take a part in a scramble or quarrel for places, pensions, or for power; he did not care who were the members of the cabinet, nor who enjoyed power, provided those principles, which he had stated as the fundamental points of the new administration, were strictly adhered to: he looked to measures only, and not to men. He lamented as much as any man the death of the noble marquis, which had occasioned the late division: but he saw no ground for apprehension that the successor, who had been given to him, would not steadily pursue the true interests of his country; that he would not strictly adhere to the great leading principle relative to America, which he had stated to the House: the noble lord in question was not satisfied with bringing himself to think favourably of American independence, to which the change of affairs had made him a convert; he went farther, and he had persuaded the King to think favourably of it also. He therefore was at a loss to discover the essential ground of difference in the cabinet, and the cause of that separation, and the loss of the assistance of his hon. friend, which no one could more sincerely lament than he did.

Mr. *Fox* expressed his hope that the House would excuse him, if he should rise a second time, to exculpate himself from so heavy a charge as that of having quitted the service of the public without cause, and ascribed a conduct or intention to the present cabinet which they had a right to disclaim. It seemed to have been insinuated by the right hon. general that disappointment in a contest for power, or for place, had been the true cause of his retreat from the present administration; but he was happy to have it in his power to answer this charge effectually, by assuring the House, that he had, in a full cabinet council, expressly declared, that if such and such a measure should be adopted, he must necessarily resign his employment: this declaration he had made before the death of the noble marquis; if he did not actually resign before that melancholy event took place, it was because he would not accelerate it, or embitter the last moments of a venerable friend, by taking a step, which he knew would give him the greatest uneasiness: but to prove that the probability of the death of that great and good man had no influence whatever upon him in his resolution to resign, he said, that when there was every hope given by the faculty that the noble marquis was likely to recover, he had, on the very day these glad but delusive tidings had been brought to the cabinet, positively declared that he must retire, if such a particular measure should be adopted. He was out-voted in the council, and that measure was adopted. He appealed to the right hon. general for the truth of this; and said, that as he looked upon that measure to be to the last degree dangerous to this country, he owed it to himself and to his country, not to remain any longer in a situation, in which he could not continue to act, without renouncing his own principles, or betraying his trust with the public. He stood, as he had said, in a delicate situation; it had been often said, that while he himself and some other men should continue in office, it would be looked upon as a pledge that nothing was going forward, that could be injurious to the public interest: must he not therefore deceive those who should look upon his continuance in office as such a pledge, if he should consent to retain his situation, while measures were pursu-

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ing which he thought highly injurious to the public interest? All that was great, all that was good in the kingdom, had countenanced his retreat; his noble friend (lord John Cavendish) had resigned his employment; and the public would be naturally led to presume, that when such a character quitted the cabinet, no man of character ought to remain in it. If the higher sense of duty had not compelled him to resign, he had many very powerful inducements to keep him in the cabinet: he would not say that he was such a Stoic as to wish rather to be neglected than courted; to prefer poverty to riches, inconvenience to ease, and obscurity to splendour and power; but when power, emolument, celebrity, and ease, were to be acquired by a base desertion of principle, an honest man could not hesitate a moment what line of conduct he should pursue. But it was said that he differed only upon shades; perhaps to his right hon. friend the difference, which to others appeared of the greatest magnitude, might appear only as a shade; but to him this difference seemed of that consequence, as to be decisive of this great question: Whether we shall have peace or war? And it was not a little strange that the right hon. gentleman, by whose vote in the cabinet the question was decided, should have had so little penetration as not to discover, that the fate of the empire, and not a little shade of difference, depended upon his vote. But it was the fate of his right hon. friend to be the last to discover those things which struck every man alive; and experience ought to have sharpened his penetration.

In the year 1766, when his right hon. friend had voted for the repeal of the Stamp Act, he never dreamt that the idea of taxing America would revive; he had then the security of almost every man in the present cabinet; the present lord Shelburne was then secretary of state; the then chancellor had signed a strong protest against taxing America; the duke of Grafton was at the head of the Treasury; the characters of all those ministers were as pledges that the system of taxing America was at an end; but so greatly had his right hon. friend been deceived, that in six months after the marquis of Rockingham went out of place, the right hon. general found himself a part of an administration determined to tax America; then, and not till then, the right hon. general found out what had been visible to every other person long before; and thus had he, by his unsuspecting confidence, and his not regarding shades of difference, contributed in a most essential degree to the establishment of that system which in the end had ruined, or well-nigh ruined the country. The right hon. general had too much magnanimity of character, too much generosity of mind, and too much complaisance to be scrupulous in his enquiries about the niceties and minutiæ of the measures of those men with whom he acted. To this magnanimity and benevolence he, for his own part, confessed himself unequal; he could not repose confidence without investigating character; and he looked to principles before he trusted to words. Were he to look back to the series of events and causes that had so progressively brought this country to its present state, he should trace the political liberality of the right honourable gentleman as the cause of almost all the misfortunes that had been brought upon the country; so that if he were to be asked who was the person who of all others had contributed the most to the misfortune of the American war? he should be tempted to say, the right hon. general; and if again he should be asked, who was the man with the most upright intentions, and who had pursued measures with the most disinterested integrity? he should say with much pleasure, the right hon. general; and all this happened, because he did not attend to those shades of difference which he thought immaterial, and which he said his understanding could not reach. He said the right hon. gentleman did now, what he did sixteen years ago with the best intentions; he joined the same men without thinking it necessary to examine their hearts; and he would therefore, as he had before, quit them when he had discovered their rank intentions against their country. He said he had reason to believe that the right hon. gentleman might on this day differ in opinion, but he hardly believed they would have differed about facts; the right hon. gentleman had read the creed of the cabinet; he could only say upon this, that he had heard this creed from him for the first time. He never heard it in the cabinet from the earl of Shelburne; and he could just take the liberty of going so far as to say, that it was upon this very circumstance that the great difference of sentiment had occurred. That which the right hon. general had called shades of

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difference, which his understanding could not reach, were differences about points, upon which, in his honest opinion, the salvation, or the ruin of this country depended. They were, in a most peculiar manner, no less than upon the very principle which he had just mentioned, the independence of America. It was said by the right hon. general, that it was the opinion of the cabinet to give full, unconditional, and unlimited independence to America. He could not take upon him to say what was now the opinion of the cabinet, but he could assure the House that it was not the opinion of the cabinet when he had made the determination to resign. But if it was now the opinion of the cabinet, he congratulated his country on the consequences of his resignation; for he had been able to do more towards the deliverance of his country, by resigning his post, than he was able to effect with all the force of argument when he remained in. It shewed him that it was possible for him, in the present moment, to save his country more in that House than in any other place. He was not to be reasoned out of his senses by his right hon. friend; for if it was now the intention of the cabinet, as he said, to grant independence to America, it was an intention very lately adopted: he had never before seen the papers from which his right hon. friend had stated his four great principles; and therefore he could not be answerable for their contents; but this much he could assure the House, that he differed from the cabinet on this subject, because he found the majority of them averse to that idea of unconditional independence to America, which he conceived it to be necessary to the salvation of this country to have granted: if, since he quitted his employment, his late colleagues had changed their opinion, he rejoiced at the event; and would feel himself satisfied, if the sacrifice he had made to his principles should ultimately be serviceable to this country. The number of eleven in a committee of council, he certainly thought too great; and he was of opinion, that those ministers who hold great responsible situations, should have more interest in the cabinet, than those members of it, who attended merely to give counsel, but without holding responsible situations.

He was also unhappy to say, that there were other most material points in which he and others differed with the earl of Shelburne. The noble person was inclined to screen from justice and punishment those delinquents who had destroyed our possessions in the east, and involved us in all the calamities which that House had so honourably endeavoured to remove. The right hon. general had said, that they were also inclined to the system of economy, and to the reduction of the influence of the crown, and particularly friendly to the objects of Mr. Burke's Bill. Did he not know, and did not all men know, who had heard the noble person's loud and specious speeches in parliament, that he professed to treat that Bill with the utmost contempt, and called it trifling and insignificant? It was an infant, a pigmy, in comparison of the promises of that noble lord, but he was convinced it would be a giant in comparison of his performances. It was the talent of that noble lord to promise, and he had always promised much more than the noble marquis, who was now no more; the noble marquis promised little, because he religiously performed every promise that he made. But there was an extravagance and profusion in the manner in which the other noble person made his promises, and a magnanimity in the manner in which he broke them.

And this brought him to state another reason for his retiring; and this was the appointment of lord Shelburne to the office of first lord of the Treasury: the patronage of that place was undoubtedly great; and whoever filled it must have power; much more power than any other member of the cabinet. Now it was but just and fair, that those who went into office upon certain public principles, should be satisfied that none were introduced into the cabinet, who were hostile to those principles; and they either should have a right to retire, or to have a voice in the appointment of all persons who should be nominated to fill those vacancies that might happen; when that power was taken from them, their power was at an end; and if the King had a right to nominate his ministers, his counsellors had a right to retire, whenever they thought fit; privilege in the one case was opposed to prerogative in the other: but there was no question of right in the business; the right was not to be disputed on either side; but the moment he was called upon for reasons for having quitted his employment, that moment it was pronounced to be a matter in which expediency, not right, was involved; to be accused in this case,

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amounted to a justification of the principle; a minister was to exercise his right to retire, whenever it should appear to him that he ought to do it. He had been since told, that his objections might have been removed, without any separation or division in the cabinet; this he might have thought probable, if those persons, upon whom he could most depend, had remained in the council after him; but when he found they also had retired, then he confessed that the very steps taken to convince him, that his objections might have been removed without a division, had tended only to alarm him more. One would naturally imagine, in an administration formed on the principles of the men distinguished by the name of the Rockinghams, that upon the decease of that great man, whose virtues, whose nobleness of thinking, and whose firm integrity bound them together, the man would be sought and appointed to succeed him, who most resembled him in character, in influence, in popularity—such at least were his ideas—and the eyes of all men were naturally turned to the duke of Portland. Instead of that noble person, however, the earl of Shelburne was selected, of whom, if he meant to describe the character, he could not truly say that he bore any resemblance to his predecessor; perhaps the exact reverse might come nearer to the picture. Perhaps it might be asked, why, thinking as he did of the earl of Shelburne, he came with him into office at all? To this he must answer, that he had strong objections to it, and both with respect to him, and to another noble person, (the Lord Chancellor) the only thing that could make him submit to associate with them in office, was the satisfactory pledge which he had for the integrity of the administration, of which he made a part, in the noble marquis being at the head of it.

The country had now an administration, which could not be that popular administration to which his hon. friend had alluded; it was now the administration of a man who could not think of reformation with temper, however loudly he might speak about it; a man who would declare, that the influence of the crown ought to be diminished, but who would, at the same time, say, that the King had a right to use his negative in passing laws, and would threaten with the exercise of that negative all those who should attempt to move any Bills that went to retrenchment. Such was the man now at the head of the Treasury; the principles of the late ministry were now in the cabinet; and the next thing he should look for, would be to see the late ministers themselves again in office. But perhaps he would be said to be too apprehensive, and that his suspicions were vague; probably they were so: it would, however, be acknowledged to him, that thinking conscientiously that he saw such danger, it was fit for him to come forward and to warn his country in time. He did so. He and a few friends retired to a strong hold, into which he doubted not to see all his old friends and companions come one after another, some sooner and some later in the day, but all lamenting that they did not come with him.

General *Conway* said he took all the strictures on his abilities and conduct, such as they were, which came from the hon. gentleman, in good part. He regretted the loss of the assistance and countenance of his late friends with great sincerity. But their resignation on this occasion he could not help censuring as inimical to the prosperity of those measures in which this country was at present so fatally and deeply engaged. The hon. gentleman, he said, was incapable of misunderstanding or misrepresenting what fell from him, yet certainly he had stated fairly and distinctly the great and leading objects for the accomplishment of which the administration under the late marquis of Rockingham was formed. And these objects, he affirmed, were still the avowed and invariable objects of the present. He might be mistaken, or misled, or deceived, as the best and wisest of men often were. But he was sure, his intentions were honourable, as they had always been undisguised. His head, or his judgment might err, as he was sensible of its weakness in a thousand instances; but he would boldly, publicly, and on all occasions, answer for his heart. He might not have expressed himself so clearly, accurately, or guardedly, perhaps, but he was not conscious of qualifying, much less of altering any of his well-known sentiments on these topics. That independence to the 13 states of North America was to be the basis of all our negociations with them: that they were to be treated as independent in the very mode of carrying on these negociations: that a large and substantial reform in every branch of the public expenditure, and that the undue influence of the crown in this House was to be circumscribed—

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were certainly the ground-work or public principles on which the new arrangement, as well as the preceding one, was avowedly established. It was on this conviction, and this alone, he pledged himself to give it all the support and assistance he could. The moment the least symptom of departing from these struck him, he would undoubtedly follow his hon. friend's example. He would not think his honour or his conscience safe in deviating from this broad and beaten ground of politics in the least. He was obliged to the hon. gentleman for his kind and very flattering opinion; but he did not think himself altogether liable to the censure implied in the compliment, so handsomely paid him. He was for public measures, not men. While the former were pure, and meant for the public advantage, it was indifferent to him who had the power. He had no object but one. He trusted his actions were guided solely and always by the public good. And whoever accorded with him in facilitating this great end, was entitled, in his opinion, by every possible claim, to his countenance. For the merits of the late first lord of the Treasury, he had the most serious esteem. His personal and social qualities and accomplishments were as valuable and exemplary as they were uniform and rare. But why degrade the living, by an ill-timed compliment to the dead? The earl of Shelburne was not the less respectable because his predecessor was a man of uncommon worth. No; there was an instance of merit in lord Shelburne that it was but justice to mention to the House. His lordship, so far from renewing the old exploded politics, had been able, as he had said, to convince his royal master, that a declaration of American independence was, from the situation of the country, and the necessity of the case, the wisest and most expedient measure that government from the pressure of present circumstances could possibly adopt. This he observed was a satisfactory reason to his mind that nothing less than such a measure in its utmost latitude was certainly meant by the cabinet. And while he had this confidence in the integrity and candour of ministry, sorry as he was to differ from his hon. friend, the duty he owed to his country, to his king, and to his constituents, made it impossible for him to do otherwise. His hon. friend had alluded to the year 1766; but in mentioning the names of the cabinet ministers of that period, he had forgot that of the earl of Chatham; when he acquainted that great minister with his intention of resigning, he had dissuaded him from his purpose, by saying, that if the well wishers to their country should retire, it would make it absolutely necessary for ministry to apply to those very persons for support, who had been driven out by them.

Mr. *Fox* said a few things had just fallen from the right hon. gentleman, which he could not pass unnoticed. To the political creed which had been read before the House, with so much solemnity, he was no party. It was, as he had said, a paper he had never till then either seen or heard. The subject of it was certainly not unknown to him, though the terms in general were. This was a system digested by himself, and now held out to the public as adopted by his Majesty's council. It was now a week since he had the honour to be one of the number. A general conversion might have been lately wrought on them. They were not, he asserted, agreed on any such system while he knew them. To bring them unanimously to some such specific and decisive point, he had laboured ardently and assiduously, both individually and collectively considered, but all to no purpose. What was an honest man to do, who found himself situated as he was? He had avowed principles in this place to his friends, to his constituents, to the nation at large, with which he deemed their existence, as a great and a respectable state, inseparable. Was it ever conceived or expected, that he could continue in a responsible department of state, and be answerable in his place to this House, for those that were foreign to his heart, and in his opinion hostile to the best interests of the empire? He trusted, the public, and all who knew his habits of thinking and acting, had a better opinion both of his understanding and his heart. It was in fact a conduct to which he was not equal. His right hon. friend was indifferent who were the men, while the measures were unquestionably good. What was this but trusting every thing at random, and depending on events to justify a manifest treachery to the cause we have espoused. The right hon. gentleman was welcome in this, as in every other case, to judge for himself, but he should not judge for him. He would not relinquish his own judgment, especially in matters which he had so often and carefully revolved in his mind, to any in whom he had not the

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fullest and most unbounded confidence. This was not in his power, as things were at present circumstanced. The person presiding at the Treasury board was not of a description to command that faith, which in such a predicament was wanted, was indispensable. This breach was on a public, not on a personal or narrow ground. His mind might see things on a less broad and comprehensive scale than the right hon. gentleman, but he was answerable only for his own feelings and convictions. These might incline him to be less credulous, and fill him with more jealousies than his right hon. friend was liable to entertain. But he did not pretend either to censure or defend the constitution of his mind. It was enough for him that his conscience did not upbraid him with acting dishonourably or disingenuously. But he would say this must have been the case, had he not done what *he did.* He was impelled to take this step by every consideration that could operate on the heart and feelings of an honest man. The right hon. gentleman might, but he could not regard, without emotion or concern, who took the lead in his Majesty's councils. He deemed it a great and national object, and consequently of infinite moment to every individual, but much more to a member of parliament; and still more so to one of his Majesty's cabinet ministers. Their honour, their duty, and every thing dear to them was at stake. What! had he and his friends laboured so long and assiduously to destroy a system, which it was now meanly, but abortively, attempted to make them accessary in reviving? and must not they see the trick that was meant to be played on them without blame? Were they censurable for detecting an artifice with which the strength and glory of Great Britain was most immediately connected? Why were not the right hon. gentleman and his worthy coadjutors satisfied of their own integrity, in keeping their places, without blaming those who relinquish them? Was not their eagerness for an explanation a certain indication that all was not right with them, even in their own opinion? He and his friends had nothing to dread from the severest scrutiny. They had acted right, because they had acted from fidelity to their engagements with the public, whom they never had, and never would betray; whose cause or interest they preferred to every thing, and for which they had now sacrificed whatever was most flattering to most minds. He would not pay his Majesty so poor a compliment as the right hon. gentleman certainly did, by asserting, that lord Shelburne had convinced or persuaded his Majesty, that the independence of America was now a measure that must be adopted. It was from this House, it was from the people at large, it was from the royal observation on the daily occurrences of things, that any such generous and princely ideas were indulged in the royal breast. He therefore deemed it, if not unfair, at least a poor compliment to this House, and to the public, to attribute that to the address of an individual, which certainly originated in the sentiments and resolutions, so unanimously and boldly avowed by themselves. Though they were altogether out of the question, it was hardly treating his colleagues in office with due respect, to give lord Shelburne the sole merit of what surely belonged to them as much as to him. Indeed, if any individual had more merit than another, in a business so much and jointly the object of all, it was no doubt the right hon. gentleman himself. What was the purport of the motion he brought into this House, and by which the late administration was certainly annihilated. If it had any meaning, it went to the full and unconditional independence of North America. He would not think so disrespectfully of his royal master, whose service he had so lately resigned, as once to suppose he could have a different idea from his people, on a subject so dear to their hearts, and essential to their interests. He knew the justice, the discernment, the gentleness, and the mercy of the royal character, better than to suppose he could dissent from the general opinion of the nation, on a point concerning which their sentiments had been delivered in so decided a manner. But why was not he, why was not the right hon. gentleman himself brought forward, as using all their influence to carry a point which seemed a favourite one with them all? Was it not that the noble lord in question was alone suspected of having less friendly ideas on this topic, than any of his numerous colleagues in office. He did not wish to bear hard on the right hon. gentleman, whom he had long regarded with sentiments of the highest respect. But now that he had been somewhat involuntarily put on his own defence, it was natural, it was necessary in his case to state his con-



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duct as he had stated it. A variety of things were against him. It was none of the least that he did not think himself at liberty to speak so freely and fully as he had accustomed himself to do on other occasions. Official details would in this case be deemed both tedious and improper. And yet without a very circumstantial detail, such as he did not think it became him at this time to give, he was sensible his defence would not be so strong, so complete, or so generally effective as it might otherwise have been.

General *Conway* rose in perfect good humour, and begged the House would indulge him with a very short explanation. Giving full credit for every thing that had dropped from his right hon. friend in his favour, he declared, no man had a better opinion of him, either in point of ability or principle, than he had. He allowed his influence, independent of his many and respectable connections, was on both these accounts, peculiarly and eminently great in this House, as well as with the public. But he must beg the right hon. gentleman's pardon for observing, that in mentioning lord Shelburne's merit, in respect of his advice, and its effect on his Majesty, he was certainly not a little mistaken; for he would please to observe, the independence of North America had never been made a question in that House. It was on this account the more necessary to discuss the question with his Majesty, which having been done repeatedly by the first lord of the Treasury, the effect was as he had stated it. And he must think it greatly to his lordship's honour, who had in this instance done more than all his predecessors could do before him. He acknowledged himself not so apt to be jealous or suspicious as others of his friends: but this he was very willing to consider rather as a defect than an excellence. He would by no means go so far as to say with his hon. friend, not only that he knew his contemporaries, and what their present principles, from their present actions, must be, but likewise what they most assuredly would be five years hence. This was a stretch of ingenuity to which he had no claim, and he was not unwilling to leave the right hon. gentleman in full possession of it.

Lord *John Cavendish* stated his reasons for quitting the post of Chancellor of the Exchequer, which, he said, were briefly, that hearing a different system was meant to be pursued, than the one on which the change of ministry was formed, and likewise finding that it was impossible by any presence of his to prevent it, he had determined to withdraw himself, that he might not divide the cabinet, and render it a scene of confusion, as it was in the time of the late ministry; for he always should be of opinion, that a cabinet unanimous in itself, although their measures might not be so good as could be wished, was much better for the country than a cabinet that was divided. He was of the same opinion as the late right hon. Secretary, that he could be of infinitely more service to his country by being out of office, than by being in; for it appeared that the measures would be consented to by his absence, that no argument he could make use of when present would effect. He highly esteemed, he said, several of the persons who still remained in office, for he knew them to be honest, well-meaning men; men that had been tried for near twenty years, and who he was confident would not lend a hand to any wrong measure; he should however keep a watchful eye over them, and give them every assistance in his power when he thought they were doing right, and oppose them when he thought they were doing wrong.

Mr. *Burke* now rose, and supported Mr. Fox. On his rising there was an uncommon confusion at the bar. He directed his eye to this quarter, and with considerable emotion said, he was peculiarly circumstanced from the delicacy which he had for one part of the House, while he felt nothing but the most sovereign contempt for the other. This to him appeared an hour, though a late one, of the greatest consequence. He was called on by a variety of circumstances to vindicate his character and principles to the public. Those, who by the present unaccountable tumult seemed dissatisfied with his private character, knew where to find him. But he was not to be intimidated by these little unmanly and dirty artifices, from coming forward and accounting, with much simplicity and truth, for his short stewardship, to that public, whose servant he had ever been. About the question relating to the pension meant for an hon. gentleman, he had but little to say. With respect to this particular pensioner, he knew that the noble marquis thought himself bound for it, as he had, in the year 1766, left out the hon. colonel by mistake, from a list of promotions. Among all the

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encomiums made on the character of the noble marquis lately deceased, this was one, that he left his dearest and best friends with the simple reward of his own invaluable intimacy. This singular test of their sincerity, he asked while alive, and it was a tax he left on their regard for his memory when dead. He, for his own part, had not been without his share of the one, and he would soon convince the world, he was not unequal to the other. Well might he be excused for mingling his tears with those of all descriptions and ranks of men, for the inestimable loss of this most excellent and most virtuous character.

He was gone, he said, to that tribunal, where we all must go and render an account of our transactions, and he trusted, that no soul ever went with a greater certainty of its actions being approved. On the late change of ministry, the people, he said, looked up to the marquis of Rockingham as the only person who must be at the head of affairs, as the clearness of his head, and the purity of his heart, made him universally beloved. It was to him that the public looked for every thing; they knew government was safe in his hands, as he would not lend his name to any thing that was detrimental to his country. But as fate had so ordained it, as to take that great and virtuous statesman from us, the first step his Majesty's ministers should have done, was to seek out some person the most like him in sentiment and integrity; but unfortunately for the country, it had turned out just the reverse; they had pitched on a man, of all others the most unlike to him. It was proposed, he said, to have appointed the duke of Portland in the room of the noble marquis, as he was a person whose abilities and integrity had gained him the love of the people here, and the esteem and veneration of the people of Ireland. He was the person whose great talents and connections would have given weight to his Majesty's councils, and been a means of bringing about that object so much wished for, a general, lasting, and honourable peace; but from the turn things had taken, he was fearful that all the good that had been effected by displacing the late ministry, who so nigh wrought the ruin of their country, would be frustrated; and if it should cause a twenty years siege, as his honourable friend had talked of, to displace these men, he was of opinion that few persons would have courage to undertake it. The noble marquis, he said, had uniformly, through life, entertained one opinion, but that was not the case with the noble earl that was to succeed him. He was a man that he could by no means confide in, and he called heaven and earth to witness, so help him God, that he verily believed the present ministry would be fifty times worse than that of the noble lord, who lately had been reprobated and removed. He begged leave to make a few remarks upon what he could not help considering as very extraordinary doctrine, which a right hon. general had been pleased to lay down under the idea of candour: and I hope, said Mr. Burke, it will not be considered to be impertinent, as it seems to glance at impropriety, or (if the House pleases) a want of candour in me and in my friends. Candour, if I understand the true meaning of the word, is an impartial view of whatever the mind contemplates; let us apply this definition to the right hon. general's apology for his conduct. He tells you, that he has seen nothing improper in the demeanour of lord Shelburne under the Rockingham administration; he will therefore try him as a premier. Is this an impartial view? No, no—surely it is not. To be candid, we must take to mind, the whole of that nobleman's politics ever since he had affected to be a statesman. In the late premiership he was controuled. In former administrations, when he could indulge his opinions, he did indulge them, and now that he is minister, he will give scope to them with a vengeance.

He trusted some credit would be given him on the present occasion. His domestic sensibility had never been doubted. He had a pretty large family, and but little fortune. He liked his present office. The house, and all its appendages, to a man of his taste, could not be disagreeable. All this he relinquished not, the House might well conceive, without regret; for the welfare of his family was very dear to him. No man could conceive him capable in such circumstances as his certainly were, to sacrifice all this and 4,000*l.* per annum for nothing? No; he did it all for that country and that public whose property he was, and to whom he was always ready to surrender whatever he most valued in life. He had been long surfeited with opposition. Those who were familiar with his habits of living, with his manners and temper, would not call him petulant or factious. What, then, could

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induce him to leave an administration to the formation of which his humble endeavours had somewhat contributed? nothing, he protested, but the sincerest regard for a public, in the service of which he wished to live and die. He was not satisfied, because his heart would not let him confide where his duty and situation made it necessary that he should. The right hon. general's feelings were in this respect exceedingly convenient. He took every man by his looks; this might be very good-natured, but it was not very wise. He had read when young, of a wolf which was mistook by a simple shepherdess, because dressed like her grand-mother, for one quite as gentle and tame as she was. But the first opportunity undeceived the poor girl. Take care that none of you render yourselves obnoxious to a similar ridicule. But, perhaps his worthy friend might despise this lesson, because it was drawn from a little book. He would therefore touch upon an idea borrowed from a book of more authority. He would ask the gentleman, whether if he had lived in the time of the immortal Cicero, he would have taken Cataline upon trial, for his colleague in the consulship, after he had heard his guilt so clearly demonstrated by that great orator? Would he be co-partner with Borgia in his schemes, after he had read of his accursed principles in Machiavel? He could answer for him, he knew he would not. Why then did he adhere to the present man? He meant no offence, but he would speak an honest mind. If lord Shelburne was not a Cataline, or a Borgia in morals, it must not be ascribed to any thing but his understanding.

The *Secretary at War* (sir George Yonge) said, he was sorry that any dissention had happened in his Majesty's councils, as he esteemed and reverenced the men that composed it, and he was certain that the loss of their abilities must be materially felt at this important crisis; yet he could not help thinking they were wrong, as they were, in his opinion, too precipitate. He had assisted many years, in endeavouring to remove the late set of men, and should be sorry if any trifle should occasion such a change as to suffer them to come in again; however, he trusted the declarations of the commander in chief's political creed were sufficiently strong, and ought to be as a pledge to that House, that he would not acquiesce in any wrong measures. As for himself, he could assure the House, that whenever he should observe any measures going on contrary to the general rule of conduct he had for years observed, he would be as ready as any man in that House to reprobate them; but while government acted right, he thought it his duty to support them, let who would be at the head of the Treasury. He paid several compliments to the integrity of colonel Barré, and said, he thought no man upon earth better deserved a pension than he did for his long and faithful services.

Governor *Johnstone* said, he should not give any opinion of his own, but only remark how exceedingly curious it was in gentlemen, to pay great compliments to the character and conduct of colonel Barré, and at the same time to reprobate the character and conduct of the earl of Shelburne; for he had always understood, that colonel Barré was the representative of lord Shelburne in that House, and a better representative no man need have. He thought such behaviour was inconsistent, and therefore wished the debate might end without any farther altercation.

Mr. *William Pitt* said, he must beg the attention of the House, probably for the last time this session; but he should think himself criminal if he was not to speak on the present subject, as, in his opinion, it was of the most serious consequence to the nation. The late right hon. Secretary was looked up to by the people as the ostensible man in that House, and therefore was to be considered as public property; as such, he should consider him, and, therefore, had a right to question him on his conduct, in resigning an important station, when the nature of affairs demanded the assistance of his great abilities. The right hon. gentleman had declared, that it was to prevent dissentions in the cabinet that he had retired, as he found there was a material difference on some grand political questions. He believed the right hon. Secretary, on account of his having solemnly declared it, but had he not, he should have attributed the resignation to a baulk in struggling for power. It was, in his opinion, a dislike to men, and not to measures; and there appeared to him to be something personal in the business, for if the right hon. gentleman had such a dislike to the political sentiments of lord Shelburne, how came he to accept of him as a colleague? And if it was only a suspicion that lord Shelburne was averse to the measures

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the right honourable gentleman wished to adopt, he should have called a cabinet council, and have been certain of it before he had taken such a hasty step as he had done. The right hon. gentleman had said, that quite a different system was going to be pursued to what was the ground on which the present ministry came in; he could assure him, that he had no such suspicions, for if he had, no man would be more averse to supporting them than he would; but if he should be called upon to act in any capacity under the present administration, whatever the office might be, he should think it his duty cheerfully to lend his hand to forward the springs of government, and give them every assistance in his power. He professed himself a determined enemy to the late ruinous system of affairs, and pledged himself, that whenever he should see things going on wrong, he would first endeavour to set them right, and if he was not successful, then resign, but not before.

Mr. *Fox* rose to explain, that so far from its being a struggle for power, he had absolutely determined upon resigning previously to the death of the marquis, and had communicated those sentiments to a noble duke; he had likewise called together a council, to take their sense upon the subject, and he had well weighed the matter before he put it in execution; for he was aware, that as the public eye was upon him, they would look up to him, and expect good and sufficient grounds for his conduct; he trusted it was in his power to give them these grounds; and no man would blame him for quitting a council in which he must have been a mere puppet, for he could as well tell how every measure would be carried the moment he knew the mover, as he could formerly tell how gentlemen would vote on grand political questions in that House. Was such a cabinet fit for him to remain in? Could he submit to be responsible for measures of which he disapproved, and lend his name to a system in which he had no share? With respect to the fear of letting in the old administration, there was none, he said, for that House would not suffer it; the people of England would not suffer it; indeed no man, he believed, would attempt it. The House, he hoped, would do him the justice to think, that it must be some very great, some very material differences in politics that could make him give up the place he had the honour to fill, which was not only lucrative, but powerful.

Mr. *Lee* said, very few men could suppose that he spoke for the sake of any lucre, as he was pursuing quite a different part. It was rather astonishing to see men holding the office which he did, resign of their own accord, but he held it the duty of every honest man to resign the moment he found that measures were carrying forward to which he could not give his assent. He owed his seat to the patronage of the marquis of Rockingham, and he was proud to have had such a patron, for he was a man of whom every one spoke well; he possessed every requisite for the office he filled; great talents alone were not sufficient for a place like his; the man must possess not only a clear head, but an upright heart, to do any good; and that was a thing he was fearful they had not made choice of in the present instance, at least he did not believe it. The noble earl, to be sure, possessed great talents, had some friends, and now was in a path to make more; yet he could not wish to see him at the head of affairs, for he was of too wavering a disposition; and therefore he did not pay that attention to his promise which he otherwise would do. He had heard that the noble earl was lately converted, and had become a strong advocate for American independence: he wished it might be true, but he had his doubts; he had made a general remark through life, that when a man attained the age of forty, his mind was made up, otherwise he was not worth a pin. Now the noble earl had uniformly opposed the Bill for allowing independence to America, and, therefore, at his age to alter his mind, must appear to answer particular purposes, and not from any change that had happened from the success of his Majesty's arms; therefore the same political motives might occasion another change of sentiment, and that was one great reason why he did not approve of such a man to be at the head of the Treasury. The hon. gentleman (Mr. W. Pitt) had taken a part in the debate, he said, just to hint that he was to have some share in the new arrangement; he was confident that he would be an honour to any place they could put him in; but his experience of life was not sufficient for him to judge properly of some great political questions. He had heard several gentlemen complain of the dissension that had taken place, but he had not heard one person step forward to say that the earl of Shelburne was a fit and proper person for the high office he

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held; if there was any such person, he wished to see him. For his own part, he by no means thought him a fit person, and therefore freely declared it; his reasons for thinking so were, because he had not the voice of the people with him, which the marquis of Rockingham had; and therefore a person of similar sentiment to the marquis most certainly ought to succeed him.

Mr. *Fox*, in answer to Mr. Pitt, wherein he asked how he came to accept of lord Shelburne as a colleague? said, he accepted to act with him and the Lord Chancellor, though he knew both their sentiments differed from his, as he wished to have an administration on as broad a basis as possible.

Sir *Edward Dering* said, he thought the late secretary to blame for retiring so hastily; that however he did not affect to be a warm admirer of his; on the contrary, he never had much liked his political conduct. Where he took an attachment once, he was not apt to change it without good cause; thus having formed a good opinion of the administration antecedent to that of Mr. Fox, he still retained a predilection for the members of it, and he wished to have supported them and kept them in office. Nay, so zealous a friend was he, that where he attached himself politically, he would go the length of supporting ministers at all hazards, of whose talents and integrity he had a good opinion. He said, he was past forty-two, when he attached himself to the noble lord in the blue ribbon and his friends, and he had already declared he felt as great a partiality towards that noble lord, and his late brother ministers as ever; therefore, the learned gentleman's remark, that a conversion after forty two was not to be depended on, and that it was never permanent, was falsified in his own instance.

Sir *Wm. Wake* said, he considered the learned gentleman's declaration, that no person had ventured to say a syllable in praise of the present first lord of the Treasury, as a challenge which truth and justice compelled him to take up. He declared, he had lived with the noble earl, now at the head of the Treasury, in habits of great friendship and intimacy for a number of years, and he should ill discharge his duty to his absent friend, if he did not assert in the strongest and most unequivocal language, that he never met with a man more open and sincere, more uniform and steady, or more honest and upright in all his transactions, and throughout the whole of his conduct, than the present first lord of the Treasury.

Mr. Coke then said a few words in vindication of himself for making the motion, and withdrew it.*

July 10. In the House of Lords,

The Duke of *Richmond* rose and said, that as he considered that this was the last day of their meeting, previous to the prorogation, he could not consent to the question for adjourning, until he should have said a few words to their lordships on the late revolution which had taken place in his Majesty's council. The first thing that naturally suggested itself to his mind, was that melancholy event by which this country had been deprived of one of its brightest ornaments; and had received a blow, which, he was afraid, it would never be able to recover: the noble marquis, of whose lamented death he was speaking, was the bond of union which kept all parties connected; he it was who cemented all descriptions of men, and preserved unanimity in council; sorry he was to say, that with him that unanimity was dissolved, and with him that happy union, from which this country might have derived hopes of seeing more prosperous days. The extinction of unanimity had manifested itself by the separation from the cabinet of two of the greatest persons who sat in it: of one of them (Mr. Fox), it

* The following is a List of the Shelburne Administration:

Earl of Shelburne, First Lord of the Treasury.

Hon. William Pitt, Chancellor of the Exchequer.

Lord Grantham, Thomas Townshend, esq. Principal Secretaries of State.

Lord Thurlow, Lord Chancellor.

Lord Keppel, First Lord of the Admiralty.

Lord Camden, President of the Council.

Duke of Grafton, Lord Privy Seal.

Duke of Richmond, Master-General of the Ordnance.

Lord Ashburton, Chancellor of the Duchy of Lancaster.

Sir George Yonge, Secretary at War.

Henry Dundas, esq. (afterwards lord Melville), Treasurer of the Navy.

Colonel Barré, Paymaster of the Forces.

Lloyd Kenyon, esq. (afterwards ld. Kenyon), Attorney-General.

Rd. Pepper Arden, esq., Solicitor-General.

Earl Temple, Lord Lieutenant of Ireland.

Hon. William Wyndham Grenville, (afterwards lord Grenville), Secretary to do.

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would ill become him to speak in that strain of panegyric, which was so justly due to his abilities; his near relation to him pointed out the propriety of silence on that subject; but from that silence he wished their lordships would collect his sentiments of the person alluded to. The other minister who had withdrawn himself from the cabinet, was a noble lord (John Cavendish), whose integrity and character would adorn any station in life; and it was to him cause of the deepest concern, that two such men should have thought it incompatible with their principles, to assist with their advice the other servants of his Majesty. It was now proper for him to state his reasons for not having followed the example of these two very respectable persons. There had been laid down certain principles, which he conceived to have been the basis of the administration, that was formed upon the ruins of that which had been overturned, in a great measure, by the great powers of one of the two characters he had alluded to. He had not hitherto observed, and he had been watchful on that head, the least deviation from any one of these fundamental principles; as long, therefore, as he should find, that by these principles the noble lord near him, now at the head of the Treasury, should conduct the measures of his administration, so long he should conceive it to be his duty to give him every support in his power; but the moment he should discover in him an intention to abandon those principles, from that moment he would stand foremost in the most determined opposition to his government.

The first of these great principles was the "independence of America." The new administration had come in upon this express ground, that peace with America was to be obtained at any rate; that is to say in plain English, that the independence of America should not stand in the way of so desirable an object as peace with that country; it was not intended that this country should submit to any humiliating terms; but peace was to be obtained at any rate. From this principle he had not as yet perceived the least deviation; and consequently he saw no reason why he should withdraw himself from councils, which, he conceived, were governed by the letter and spirit of the original stipulation of the cabinet with the King. And here his grace felt it incumbent on him to declare, that his Majesty had performed, with a religious scrupulosity, all that he had promised; and had not once manifested the least symptom of a desire to deviate from his stipulations. His grace was thoroughly satisfied that no change was intended by his Majesty to be made in the cabinet formed at the downfall of the late ministry; and he verily believed that no change would have been made, if the fatal event to which he had already alluded had not made it necessary.

"That a plan of reform should be adopted in all the departments under the crown," was another stipulation on the part of the ministry: some steps had already been taken to carry this system into effect: but though he thought as respectfully of the different Bills that had been brought into parliament for that purpose, as any noble lord, he must at the same time say, that they fell so far short of what remained still to be done, that with the noble lord near him (lord Shelburne) he must look upon them rather as a beginning, than the completion of that great work of reformation, for which the ministry stood committed; and therefore he should expect that the noble lord would carry on the spirit of reform with vigour; and that he would make it, as he stood bound that it should, pervade every department of the state.

"The influence of the crown in parliament was to be diminished;" this was another great principle upon which the administration was formed, and the nation saw how necessary such a measure was at this particular period; constituted as the House of Commons was at present, and had been for some ages past, it would really be a mockery, and a libel upon truth and common sense, to call it a fair representation of the people: he himself had two years ago brought a Bill into that House for rendering more equal the representation of the people. Whether such a regulation might be adopted or not, he could not say; but he was convinced that the nation at large called for, and looked for some regulation that should rescue the House of Commons from the obloquy under which it laboured in its present constitution.

These were the great outlines of the plans, which ministry stood committed to themselves, and to the public, to carry into execution. Peace with America was certainly the most pressing object at present; and he firmly believed it to be the object nearest the hearts of all his Majes-

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ty's ministers; various might be the means of attaining this great point; but though there might be a difference of opinion as to the means, he was satisfied that they were all united as to the end. The session was now drawn to its conclusion, and nothing of course could be now done by parliament relative to America; but this much he must declare, that it was his firm opinion, that this country could not be safe, if before the end of the next session an act should not pass, to declare America independent. These were his general principles; and as long as he should find that the noble lord near him adhered to them, he might be sure of his support: he really had no distrust of the noble lord's intentions; but as a Whig, of which description of men his grace professed himself to be, he held it to be his duty, and that of the parliament, to keep a watchful eye upon ministers, and not to suffer a single act of theirs to pass over unexamined.

The Earl of *Shelburne* returned his thanks to the noble duke for the good opinion which he was pleased to entertain of him, and which he trusted he should never give him cause to alter or retract: it was from his measures, not from his promises, that he expected to derive support; and if they should not be found to deserve it, he would not repine at not finding it. He lamented as much as any man the loss of the noble marquis; he lamented also the loss the cabinet must sustain by the retreat of two most respectable personages indeed; the one by the uncommon splendour of abilities; the other by his unimpeached integrity and chastity of character: but still he would not think so ill of the other eight ministers who remained in the council, as to suppose that they were not as attached to principle, and as zealous in the support of it, as those two gentlemen, and consequently that the public might rest satisfied, that while they continued in office there could be no departure from those great principles which had formed the basis of their administration. And here his lordship thought it necessary to observe, that he was bound to these principles, only because he thought them just and expedient: for he did not go into the cabinet as the avowed supporter of any man, or body of men: he had taken a share in the administration of the country, merely, as a member of the community, who had been chosen for that purpose by his sovereign; he stood not committed to any man; and, though it had been insinuated that he had fomented divisions for the purpose of creating an opportunity to gratify his own ambition, he would thus publicly declare, that he had sacrificed the very situation he now held to his desire of preserving harmony and unanimity in the council; and though the office of first lord of the Treasury was most certainly within his grasp when the first arrangements were forming, he sacrificed that object, which appeared to be so desirable to others, and joined the rest of his Majesty's new ministers in soliciting and pressing the noble marquis, now no more, to accept of that employment. It was true, indeed, that his principles differed in some respects from those of some of his then colleagues; but when they pleaded consistency, it was but fair that he should stand upon his consistency as firmly as they did upon theirs; and it would have been very singular indeed, if he should have given up to them all those constitutional ideas, which for seventeen years he had imbibed from his master in politics, the late earl of Chatham; that noble earl had always declared, that this country ought not to be governed by any party or faction; that if it was to be so governed, the constitution must necessarily expire; with these principles he had always acted; they were not newly taken up for ambitious purposes; their lordships might recollect a particular expression that he had used some time ago, when speaking of party, he declared that he never would consent that the "king of England should be a king of the Mahrattas," among whom it was a custom for a certain number of great lords to elect a peshaw, who was the creature of an aristocracy, and was vested with the plenitude of power, while the king was, in fact, nothing more than a royal pageant, or puppet.

These being his principles, it was natural for him to stand up for the prerogative of the crown, and insist upon the King's right to appoint his own servants. If the power which others wished to assume, of vesting in the cabinet the right of appointing to all places, and filling up all vacancies, should once be established, the King must then resemble the king of the Mahrattas, who had nothing of sovereignty but the name: in that case the monarchical part of the constitution would be absorbed by the aristocracy, and the famed



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constitution of England would be no more. It was his adherence to these principles that had drawn upon him some recent attacks, and fastened upon him the imputation of designs which he had never harboured: that it was nothing but this adherence to consistency that had caused the late separation in the cabinet, he would appeal to the members of that cabinet; for though much had since been insinuated relative to the business of America, yet those ministers could all vouch, that in the cabinet no reason of that nature or complexion had been assigned for the late resignations, nor had been even hinted in that quarter, where, upon a resignation, there resided a right to demand the reasons for quitting the service of the crown.

It had been insinuated, that he had changed his opinion relative to the independence of America. But this was not the fact; *his* opinion on that subject was *still the* same that it had ever been; he had declared it often, and he would repeat it now in the most public and explicit manner: it had ever been his opinion, that the independence of America would be a dreadful blow to the greatness of this country; and that when it should be established, the sun of England might be said to have set: he had therefore always laboured to prevent so fatal a misfortune from befalling his country; he had used every effort in public and in private, in England and out of it, to guard it from so dreadful a disaster: but now the fatal necessity of seeing it fall upon us appeared in full view: and to necessity he might be obliged to give way, but to nothing short of necessity would he give way on that head; and when he should have done it, he would confess that the greatest misfortune had arrived that had ever fallen upon Great Britain. But while he felt the necessity of giving way to unavoidable misfortunes, he was free to say, that it was his firm opinion the melancholy event had been hastened, by the rash and precipitate advice that had been so frequently given by some people, some years ago, to acknowledge an independence, which then might have been destroyed in the bud. It had been insinuated elsewhere, that had his principles been known relative to American independence, the people of America would be backward to treat with him for peace; but he had learned sufficient by the information he received during the last two months that he was Secretary of State, and since, that there was no man with whom the Americans would more willingly treat than with himself. As to the steps that had been already taken towards a peace with America, his lordship entreated their lordships would give him credit when he assured them that the principle laid down relative to peace with America at any rate, and which had been so correctly stated by the noble duke, had not in the smallest degree been departed from: the dispatches upon that subject must remain secret for the present; but the day would come when the publication of them could not be attended with any injury to the public: to that day he looked with an earnest anxiety; he trusted it was not far distant; he hoped he should be able to lay them upon the table of both Houses early in the ensuing session; when he was convinced, their lordships and the public would be satisfied that the insinuations thrown out, relative to a change of system in America, were totally without foundation.

The language of despondency, which had been so often held, had never, in his opinion, been productive of any good; he would have the world know, that though this country should have received a fatal blow by the independence of America, still there was a determination to improve every opportunity, and to make the most vigorous exertions to prevent the court of France from being in a situation to dictate the terms of peace; the sun of England would set with the loss of America; but it was his resolution to improve the twilight, and to prepare for the rising of England's sun again, and he hoped she would see many, many more happy days.

The noble duke had done justice to the character of the common master whom they both served. His Majesty had not only performed all that he had promised, but he had done a great deal more than he had promised, when it was in his power to have evaded the performance of that which he had promised; and this he could say with truth, that a prince more disposed to comply with the wishes of his people, he believed, never sat upon the British throne. As to his future measures, he would trust to the propriety of them for support, and should look for it only inasmuch as they should be found to deserve it: he never had, and never would, look to men; it was to measures only he had always attended; and he wished that their lordships would deal by him just in the same manner.



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He found, by the great eagerness that some men had expressed to be at the head of the Treasury, that with them the Treasury appeared to be an engine, without which administration could not be supported. Upon all subjects of reform, he had heard men say, "the patronage of the Treasury must be preserved, or the House of Commons can never be managed." Now, for his part, he had never thought the Treasury necessary to the management of the House of Commons, and he was determined to try which of the two opinions was well founded. He had been often told by a learned lord, who had once adorned the woolsack, that for the respect and reputation he had acquired while he was chancellor, he was indebted to the impartial distribution of the church patronage, which the constitution had vested in the great seal. His lordship was resolved to distribute the patronage of the Treasury, just as the learned lord had distributed that of the church; the men of worth, and of pretensions from merit and birth, should indiscriminately receive their share; and he hoped that the consequence would prove to the world, that a corrupt distribution of Treasury patronage in the House of Commons, was not at all necessary to the support of government.

There remained for him to say a word or two relative to the pension, which had been the subject of a debate elsewhere; he certainly, as one of his Majesty's ministers, had advised the King to grant it; but he could assure their lordships that the idea of the pension had not originated with him: the proposition came from the noble marquis, now no more; and he was happy to have in his possession that noble lord's letter on the subject, in which he proposed the pension as a compensation to the gentleman upon whom the pension was to be settled, for having given up his pretensions to the Pay-office: and he thought their lordships ought not to deem the provision either inequitate or too great, for a gentleman who had for twenty years been stripped of those emoluments which he must have derived from his profession: that gentleman himself objected to a pension; he wished rather for some provision in the line of his profession; but had at last given way to the desires of the noble marquis, and consented to accept of a pension, not equal to more than half the income which he must have derived from that rank in the army to which he should by this time have been raised.

The Duke of *Richmond* rose to explain: when he called himself a Whig, he conceived himself to be one of that body of men, who, acting upon Revolution principles, and professing themselves friends to the liberties of the people, must always be backed by the countenance and support of the people: if this was a party, his grace confessed that he would always rejoice to see the country governed by such a party. As to the independence of America, he thought it, as well as the noble lord near him, a very great misfortune to attempt to keep America dependent to the kingdom; but he thought it would be a still greater misfortune against her own will; and he thought the most absurd and extravagant way that could possibly enter the head of a madman, was to endeavour to bring America to a dependence upon this country, by putting the people of it out of the protection of the laws; for where there was no protection, there could be no allegiance.

The Earl of *Shelburne* said, if a Whig was a man who acted upon Revolution principles, and was a friend to the constitution and to the liberties of the people, he would be proud to call himself a Whig: men of that description must necessarily be supported by the people; and such men ought of course to govern the country, because in the hands of such men the constitution would ever be held sacred. As to the American war, he had ever been as great an enemy to it as the noble duke; he had always contended, that it was unjust in its principle, because it militated against that great maxim of our constitution, which declares, that English subjects, in whatsoever quarter of the globe, had a right to the benefit of the British constitution, the most boasted and peculiar franchise of which was to be governed by those laws only, which they themselves had enacted either in person, or by their representatives. That war was now at an end; no minister could, if he were mad enough to desire it, prosecute it any longer; the resolutions of parliament, and the general sense of the nation, were against it; and here his lordship thought it proper to declare, in order to quiet the alarms that had been industriously raised in the minds of men, that nothing was farther from his intention than to renew the war in America; the sword was sheathed, never to be drawn there again.

July 11. In the House of Commons,

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General *Smith* moved for leave to bring up a report from the Secret Committee on the judicature of Bengal, and having obtained leave, he laid the report upon the table. He then stated to the House, that he had in his hand a letter from sir Elijah Impey, the contents of which, the committee had that morning expressed a desire to have communicated to the House; in compliance with their desire, he would therefore read it. The general did so, and it appeared by it that sir Elijah Impey informed his correspondent, that he had accepted of a place under the governor general and council of Bengal; but that, though he had agreed to discharge all the duties of it, he had refused to accept of any salary, until he should first have consulted the Lord Chancellor of England, and obtain his approbation.

Mr. *Dempster* was of opinion, that this part of sir Elijah's conduct was extremely proper, and went in a great measure to do away that offence for which the House had addressed his Majesty to recal him: it was clear from the letter which had just been read, that sir Elijah having refused to take any salary, he could not be thought to be under any influence from the place; and therefore he would move, that an humble Address be presented to his Majesty to suspend the order for the recal of sir Elijah Impey.

General *Smith* opposed the motion: he said it was completely immaterial, whether the judge had, or had not, taken a salary; it was not the taking a salary that constituted his offence, and consequently the not taking it, could not do away the offence. That House had addressed the crown to recal him, because he had accepted a place, in open violation of a positive act of parliament, to which Act sir Elijah himself had given his consent, in its progress through the House of Commons.

Commodore *Johnstone* gave it freely as his opinion, that the Select Committee had acted throughout in a very partial manner; they had always shewn a degree of pleasure in hunting out and receiving every species of evidence, either *vivâ voce*, or written, that had a tendency to criminate; but they had always proceeded with apparent unwillingness, when there was a question of obtaining evidence that might exculpate: of this, the step which the hon. general had that day taken was a striking proof: for this letter was kept back so long, that as the King was just then coming down to parliament, there was not time to have the Address that had been moved carried this session: from the whole he was led to suspect, that under the appearance of public good, some persons concerned in the Select Committee were pursuing their own private views.

General *Smith* said he would take a lesson from the hon. member, and not suffer himself to be hurried away by passion, lest in that passion, he should, like the hon. gentleman, say something that had been better unsaid, and that should be found totally without foundation: he then entered into a defence of his conduct, declaring that he had not been actuated by any other than the purest motives, and for the public good.

Mr. *Burke* observed, that as a member of the Select Committee, he must, of course, come in for a share in that severe reflection which the hon. member who had spoken last but one, had thrown upon that committee; but this could give him very little concern indeed; because it was a matter of the greatest indifference to him, what opinion that hon. member should entertain of him and his conduct. He had now something else to speak of: he understood that it had been said somewhere (in the House of Lords) by somebody (lord Shelburne) that the proposition for giving a pension of 3,200*l.* a year to colonel Barré, had originated with the late marquis of Rockingham, and that it was given as a compensation to that gentleman, for having given up to him (Mr. Burke) his pretensions to the Pay-office. To this assertion he must give a direct and flat contradiction; and he would appeal to the late Chancellor of the Exchequer to support him in that contradiction. Indeed, if the assertion was true, it would prove him to be an arrant fool; for such a bargain could be made only by a fool. The ordinary salary of the Pay-office was just 3,060*l.* a-year; but as the great emoluments of the office were to be directed into another channel, the salary was to be made to him 4,000*l.* a-year: now it must be a very curious bargain, to give a pension of 3,200*l.* a-year, in order to obtain the difference that would, after this decrease to 4,000*l.* subsist between the Treasury of the Navy and the Pay-office: it surely would have been better for him, when such a pension was afloat, to have got it for himself.

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The fact was, that it was a sacrifice to unanimity, and it could not be any thing else, as the hon. member who had obtained the pension, had never been in habits of intimacy with the noble marquis; and, indeed, it seemed as if the hon. member had never considered it as an original proposition from the noble marquis, as he had never been at his levee to thank him for it. Mr. Burke was proceeding, but hearing the guns firing, to announce the arrival of his Majesty, he sat down.

Lord *John Cavendish* said that if he had known he should have been appealed to on this subject, he would have endeavoured to refresh his memory, and recollect the particulars of the circumstance in question: all he could say at present was, that he never understood that the proposition for making the provision of 3,200*l.* a year for colonel Barré had come from the marquis of Rockingham; this much he was sure of, that it was not the price of the resignation of that gentleman's pretensions to the Pay-office.

Mr. *Fox* requested his hon. friend would not give himself any concern about the assertion alluded to; and ironically observed that he was sure that it was falsely attributed, in the newspapers, to the noble earl, by whom it was said it had been made; and as there were three gross falsehoods in the accounts given in the papers, of what was said to have fallen from that noble lord in another place, he must naturally look upon these accounts as infamous fabrications, containing a libel upon that noble lord, and upon truth; that noble lord certainly never could have made the assertions attributed to him, because, he must have known that they could not be founded in truth. The assertion relative to the pension could not be true; for he himself had heard the marquis of Rockingham say, that the proposition did not originate with him: there was another false assertion in these papers, which was, that the late noble Chancellor of the Exchequer had quitted the cabinet, only from his natural dislike to business, and love of retirement; there was a third assertion, just as true, said Mr. Fox, as the others, that I had not assigned any other reason for quitting the cabinet, than the promotion of a certain lord to the Board of Treasury; the noble lord in question certainly could not have made this assertion, because he knew that many other reasons had been assigned by me to his Majesty's cabinet ministers. When, therefore, I find three such gross falsehoods ascribed by the newspapers to that noble lord, I must look upon them as infamous libels upon his character; and therefore I shall pay no more attention to them. Mr. Fox was here interrupted by a knocking at the door; it was the usher of the Black Rod, who, coming into the body of the House, delivered his Majesty's commands for the Commons to attend him in the House of Peers. Mr. Burke was rising to speak, while the Black Rod was in the House; but the Speaker called him to order; and having heard the Message, went up with the other members to attend his Majesty.

July 11. In the House of Lords,

The Earl of *Derby* requested that their lordships would favour him with their attention for a minute: he said, he understood from the public prints, and also from private conversation with some friends, that a noble earl in that House had directly and positively affirmed, "that he knew no reason on God's earth for the secession of a late right hon. secretary (Mr. Fox) from his Majesty's council, than this single one, that his Majesty had been pleased to appoint that noble earl to the situation of first lord of the Treasury;" he begged leave to inform their lordships, having authority so to do from the right hon. gentleman concerned, that this assertion, provided any such had been made by the noble earl, was not founded in fact; but on the contrary, was nothing more nor less than a direct deviation from the truth. He called upon the noble earl to stand forward and avow the assertion; and appealed to the other members of his Majesty's cabinet then present, to lay their hands upon their hearts, and say whether or not they did not know of another cause for the secession of the right hon. Secretary; and whether or not that cause did not consist in a confirmed difference of sentiments between the right hon. Secretary and a noble earl, now first lord of the Treasury, respecting fundamental points of the utmost political magnitude.

The Earl of *Shelburne* disavowed the fact of ever having directly affirmed that no other cause existed for the secession of the right hon. Secretary, but his own appointment to the first seat at the Treasury Board. He made no such assertion; but he had certainly said, that "in his opinion" that was the cause, and the exclu-

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sive cause; but he had not asserted it as a fact.

The Duke of *Richmond* said, he certainly considered it, after what had fallen from the noble earl who spoke first, as an act of justice due to the right hon. gentleman alluded to, to declare that he undoubtedly differed in opinion from some other members of his Majesty's council, on subjects of the utmost importance; and that the right hon. gentleman had openly avowed his intention to resign, on account of that difference, previous to the death of the marquis of Rockingham.

Viscount *Keppel* said, that he also felt himself under the same obligation to do justice to his right hon. relation; and then repeated the fact as stated by the duke of Richmond, and confirmed the declaration that there was a difference of sentiment between his right hon. relation and the noble lord at the head of the *Treasury*; and that the former had openly and positively declared in the cabinet, in consequence of finding himself in a minority on the question which constituted the object of the subsisting difference, that he would resign his situation; and that, too, at a time when the health of the marquis of Rockingham was in a flattering condition, so as to make the event which was thought to give rise to the contest for power, not at all to be apprehended.

*The King's Speech at the Close of the Session.*] Immediately after this conversation, his Majesty entered the House, and being seated on the throne, the Commons were sent for. The Speaker, attended by the Commons, came to the bar, when the Speaker, on presenting the Bill for paying off the debt on the Civil List, addressed his Majesty to the following effect:

"That his Majesty's faithful Commons had in consequence of his royal Message, taken some steps to establish a plan of œconomy, which his Majesty had recommended to his Commons to adopt, in every branch of the public expenditure. That they had not been satisfied with making a provision for the debt on his Majesty's Civil List, but had also established such regulations as would prevent it from running into arrear in future. That they had taken into their consideration the jealousies and complaints of the people of Ireland; and had taken such measures as they had reason to hope would tend to strengthen the connection between that kingdom and Great Britain. That, in order to preserve the purity of the legislature, they had passed such laws as would secure both the electors and the elected, from the imputation of being under any undue or improper influence. He concluded, by observing that as his Majesty's faithful Commons had most cheerfully submitted to those burdens, which the necessities of the times had called for, so they trusted that his Majesty would make the most of the great force put into his hands for the purpose of supporting the rights and interests of his people, and restoring to them the blessings of peace."

The royal assent being then given to five public Bills, his Majesty closed the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The unwearied assiduity with which you have persevered in the discharge of your duty in parliament, during so long a session, bears the most honourable testimony to your zeal and industry in the service of the public; for which you have provided with the clearest discernment of its true interests; anxiously opening every channel for the return of peace; and furnishing with no less vigilance the means of carrying on the war, if that measure should be unavoidable.

"The extensive powers with which I find myself invested to treat for reconciliation and amity with the colonies which have taken arms in North America, I shall continue to employ in the manner most conducive to the attainment of those objects, and with an earnestness suitable to their importance.

"The zeal which my subjects in Ireland have expressed for the public service, shows that the liberality of your proceeding towards them is felt there as it ought; and has engaged their affections, equally with their duty and interest, in the common cause.

"The diligence and ardour, with which you have entered upon the consideration of the British interests in the East Indies, are worthy of your wisdom, justice, and humanity. To protect the persons and fortunes of millions in those distant regions, and to combine our prosperity with their happiness, are objects which amply repay the utmost labour and exertion.

"Gentlemen of the House of Commons;

"I return you my particular thanks for the very liberal supplies which you have

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granted with so much cheerfulness and zeal for the service of the current year. I reflect with extreme regret upon the heavy expence which the circumstances of public affairs unavoidably call for. It shall be my care to husband your means to the best advantage, and, as far as depends on me, to apply that economy which I have endeavoured to set on foot in my civil establishment, to those more extensive branches of public expenditure; in which still more important advantages may be expected.

"My Lords and Gentlemen;

"The important successes, which, under the favour of Divine Providence, the valour of my fleet in the West Indies hath obtained, promise a favourable issue to our operations in that quarter. The events of war in the East Indies have also been prosperous. Nothing however can be more repugnant to my feelings than the long continuance of so complicated a war.

"My ardent desire of peace has induced me to take every measure which promised the speediest accomplishment of my wishes; and I will continue to exert my best endeavours for that purpose. But if, for want of a corresponding disposition in our enemies, I should be disappointed in the hope I entertain of a speedy termination of the calamities of war, I rely on the spirit, affection, and unanimity of my parliament and people to support the honour of my crown, and the interests of my kingdoms; not doubting that the blessing of heaven, which I devoutly implore upon our arms, employed as they are in our just and necessary defence, will enable me to obtain fair and reasonable terms of pacification. The most triumphant career of victory would not excite me to aim at more; and I have the satisfaction to be able to add, that I see no reason which should induce me to think of accepting less."

The Parliament was then prorogued to the 3rd of September. It was afterwards further prorogued to the 26th of November.

## THIRD SESSION
### OF THE
## FIFTEENTH PARLIAMENT
### OF
## GREAT BRITAIN.

***The King's Speech on Opening the Session.****] December 5. Both Houses met on the 26th of November, and adjourned to this day, when his Majesty opened the Session with the following Speech:

"My Lords and Gentlemen;

"Since the close of the last session, I

* "The short space of time that intervened between the death of the marquis of Rockingham and the prorogation of parliament, afforded no opportunity of discovering in what manner the House of Commons stood affected towards the changes that had taken place in the administration of public affairs, in consequence of the former event. The weight of the new minister in that assembly, either from political connection, from private friendships, or public favour, was known to be very inconsiderable; and the support which he might otherwise have derived from the power of the crown, was likely to be much reduced by the operation of the Bill of Reform, and by the steady attachment of most of those members who either owed their seats to the influence of government, or were led by a sort of principle to give a general support to administration, under the auspices of a noble lord, one of his predecessors in office. The recess of parliament was therefore considered as a circumstance highly favourable to the minister, and was doubtless employed in endeavouring to form such alliances amongst the parties out of power as might ensure some degree of strength and permanence to his administration.

"A re-union of the Whigs was the favourite expectation of the public, and anxiously looked for by those who equally dreaded the revival of the old system, and the mischiefs of a weak and unsettled government. It does not, however, appear that any advances were made towards effecting such an accommodation; to which there appear, indeed, to have been insuperable difficulties, from the industry with which the friends of each party laboured to throw the blame both of the schism and failure on the other.

"On the part of those who had retired from the service of government, it was urged, that as the appointment of the earl of Shelburne to the highest office in administration was one of the principal causes of the division that ensued, so it continued to be the chief obstacle to a re-union. It was indeed absurd to expect, that his complaisance to his enemies should carry him so far as to enter into a treaty, of which he was himself to be the first sacrifice: and it was not more reasonable, they said, to suppose, that those who continued to act with him, how much soever they might disapprove of his principles, or censure the measures he was carrying on, (a conduct which some of them did not scruple to pursue) would be willing to descend from situations in which, by the removal of their former friends, they stood as principals, in

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have employed my whole time in that care and attention which the important and critical conjuncture of public affairs required of me.

"I lost no time in giving the necessary orders to prohibit the further prosecution of offensive war upon the continent of North America. Adopting, as my inclination will always lead me to do, with decision and effect, whatever I collect to be the sense of my parliament and my people; I have pointed all my views and measures, as well in Europe as in North America, to an entire and cordial reconciliation with those colonies.

"Finding it indispensable to the attainment of this object, I did not hesitate to go the full length of the powers vested in me, and offered to declare them free and independent states, by an article to be inserted in the treaty of peace. Provisional articles are agreed upon, to take effect whenever terms of peace shall be finally settled with the court of France.

"In thus admitting their separation

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order to act subordinate parts again in conjunction with them.

"These insinuations were combated, on the other side, by studiously representing the cause of dissention to have been a mere personal contest for power; and by charging their opponents with holding opinions of a dangerous nature, trenching on the most undoubted prerogative of the crown, that of choosing its own ministers, and consequently having a direct tendency to subvert the constitution.

"But whatever weight may be allowed to these charges or surmises, it was generally agreed, that, though the parties themselves had been ever so well disposed towards an accommodation, yet, the countenance and approbation of the court would hardly have been lent to a measure so diametrically opposite in its principle to that favourite system of politics, which had the disunion of all party connections for its basis. In opposition to this system, after a long and arduous struggle, by no mean exertion of abilities, and by the concurrence of many important events, the late administration had arrived at a kind of adverse possession of power, which being submitted to from necessity, it could not be expected would be suffered to remain, whenever the means of destroying it could be found. These, by an unfortunate event, soon after offered themselves. The appointment of the earl of Shelburne to succeed the marquis of Rockingham, it was easily foreseen, would disgust those individuals of the party, whose principles were the most inflexible and obnoxious; and the probability of gaining over many others, who might wish to make themselves some amends for the long proscription they had undergone, by the advantages of a more accommodating line of conduct, was reckoned on with a confidence that proved not ill-founded. Add to this, that the firmness of the party had hitherto stood the trial of defeats and mortifications only; that power and emolument will sometimes be retained on terms and by means through which they would not have been sought; and lastly, that many of the members, wearied and grown old in opposition, would naturally feel disinclined, from the diminution both of vigour and prospects, to embark in a fresh contest with the court.

"The design appears to have been planned with great political sagacity, and the success went beyond even what the most sanguine hopes could have expected. Not only a change of ministers was effected, and a cabinet formed more agreeable to the views of the court; but several of those whose former conduct had been marked by extraordinary violence were gained over; and these, not satisfied to embrace their new principles with all the zeal and eagerness of converts, seemed to regard with an unusual degree of malignity that inflexibility of their old colleagues, which appeared no less than a tacit reproach to their own conduct. Thus a decisive blow was given to the very existence of the party; and which seemed even to preclude all future attempts to form a systematic opposition.

"Such were the obstacles, which, from every quarter, appear to have rendered a reunion of the Whigs, under the auspices of the new ministry, totally impracticable. A coalition with the noble lord who had formerly been at the head of his Majesty's government, seemed more feasible, and was certainly free from the most material objections that lay to the former measure. Overtures accordingly are said to have been made by the minister, and various terms offered him: but whether from a confidence in his own strength, and the hope of rising again, on the divisions of his adversaries, to the possession of undivided power; or from resentment of former indignities; or from some change in his political sentiments, and a conviction of the impossibility of serving the public with fidelity on the terms proposed, the business fell to the ground.

"In the mean time the negociations for a general peace were advancing towards a conclusion. On the 23d of November letters were sent by the Secretary of State to the lord mayor of London and the governors of the Bank, acquainting them 'for the information of the public, and to prevent the mischiefs arising from speculations in the funds, that the negociations carrying on at Paris were brought so far to a point, as to promise a decisive conclusion, either for peace or war, before the meeting of parliament, which on that account was to be prorogued to the 5th of December.'"—Annual Register.

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from the crown of these kingdoms, I have sacrificed every consideration of my own, to the wishes and opinion of my people. I make it my humble and earnest prayer to Almighty God, that Great Britain may not feel the evils which might result from so great a dismemberment of the empire; and, that America may be free from those calamities, which have formerly proved in the mother country how essential monarchy is to the enjoyment of constitutional liberty. Religion—language—interest—affections may, and I hope will yet prove a bond of permanent union between the two countries: to this end, neither attention nor disposition, on my part, shall be wanting.

"While I have carefully abstained from all offensive operations in America, I have directed my whole force by land and sea against the other powers at war, with as much vigour, as the situation of that force, at the commencement of the campaign, would permit. I trust that you feel the advantages resulting from the safety of the great branches of our trade. You must have seen with pride and satisfaction the gallant defence of the governor and garrison of Gibraltar; and my fleet, after having effected the object of their destination, offering battle to the combined force of France and Spain on their own coasts; those of my kingdoms have remained at the same time perfectly secure, and your domestic tranquillity uninterrupted. This respecable state, under the blessing of God, I attribute to the entire confidence which subsists between me and my people, and to the readiness which has been shewn by my subjects in my city of London, and in other parts of my kingdoms, to stand forth in the general defence. Some proofs have lately been given of public spirit in private men, which would do honour to any age, and any country.

"Having manifested to the whole world, by the most lasting examples, the signal spirit and bravery of my people, I conceived it a moment not unbecoming my dignity, and thought it a regard due to the lives and fortunes of such brave and gallant subjects, to shew myself ready on my part, to embrace fair and honourable terms of accommodation with all the powers at war.

"I have the satisfaction to acquaint you, that negociations to this effect are considerably advanced; the result of which, as soon as they are brought to a conclusion, shall be immediately communicated to you.

"I have every reason to hope and believe, that I shall have it in my power, in a very short time, to acquaint you, that they have ended in terms of pacification, which, I trust, you will see just cause to approve. I rely, however, with perfect confidence, in the wisdom of my parliament, and the spirit of my people, that, if any unforeseen change in the dispositions of the belligerent powers should frustrate my confident expectations, they will approve of the preparations I have thought it advisable to make, and be ready to second the most vigorous efforts in the farther prosecution of the war.

"Gentlemen of the House of Commons;

"I have endeavoured, by every measure in my power, to diminish the burthens of my people. I lost no time in taking the most decided measures for introducing a better œconomy into the expenditure of the army.

"I have carried into strict execution the several reductions in my Civil List expences, directed by an Act of the last session. I have introduced a further reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishments, that my expence shall not in future exceed my income.

"I have ordered the estimate of the Civil List debt, laid before you last session, to be completed. The debt proving somewhat greater than could be then correctly stated, and the proposed reduction not immediately taking place, I trust you will provide for the deficiency; securing, as before, the re-payment out of my annual income.

"I have ordered enquiry to be made into the application of the sum voted in support of the American sufferers; and I trust that you will agree with me, that a due and generous attention ought to be shewn towards those, who have relinquished their properties or professions from motives of loyalty to me, or attachment to the mother country.

"As it may be necessary to give stability to some regulations by Act of Parliament, I have ordered accounts of the several establishments, incidental expences, fees, and other emoluments of office, to be laid before you. Regulations have already taken place in some, which it is my intention to extend to all; and which, besides expediting all business, must produce a



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very considerable saving, without taking from that ample encouragement, which ought to be held forth to talents, diligence, and integrity, wherever they are to be found.

"I have directed an enquiry to be made into whatever regards the landed revenue of my crown, as well as the management of my woods and forests, that both may be made as beneficial as possible, and that the latter may furnish a certain resource for supplying the navy, our great national bulwark, with its first material.

"I have directed an investigation into the department of the Mint, that the purity of the coin, of so much importance to commerce, may be always adhered to; that by rendering the difficulty of counterfeiting greater, the lives of numbers may be saved, and every needless expence in it suppressed.

"I must recommend to you an immediate attention to the great objects of the public receipts and expenditure; and above all, to the state of the public debt. Notwithstanding the great increase of it during the war, it is to be hoped, that such regulations may still be established—such savings made—and future loans so conducted, as to promote the means of its gradual redemption, by a fixed course of payment. —I must, with particular earnestness, distinguish, for your serious consideration, that part of the debt which consists of navy, ordnance, and victualling bills: the enormous discount upon some of these bills shews this mode of payment to be a most ruinous expedient.

"I have ordered the several estimates, made up as correctly as the present practice would admit, to be laid before you. I hope that such further corrections, as may be necessary, will be made before the next year. It is my desire, that you should be apprised of every expence before it is incurred, as far as the nature of each service can possibly admit. Matters of account can never be made too public.

"My Lords and Gentlemen;

"The scarcity and consequent high price of corn requires your instant interposition.

"The great excess, to which the crimes of theft and robbery have arisen, in many instances accompanied with personal violence, particularly in the neighbourhood of this metropolis, has called of late for a strict and severe execution of the laws. It were much to be wished that these crimes could be prevented in their infancy, by correcting the vices become prevalent in a most alarming degree.

"The liberal principles adopted by you concerning the rights and the commerce of Ireland, have done you the highest honour, and will, I trust, increase that harmony, which ought always to subsist between the two kingdoms. I am persuaded that a general increase of commerce throughout the empire, will prove the wisdom of your measures with regard to that object. I would recommend to you a revision of our whole trading system, upon the same comprehensive principles, with a view to its utmost possible extension.

"The regulation of a vast territory in Asia, opens a large field for your wisdom, prudence, and foresight. I trust that you will be able to frame some fundamental laws, which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our government. You may be assured, that whatever depends upon me shall be executed with a steadiness, which can alone preserve that part of my dominions, or the commerce which arises from it.

"It is the fixed object of my heart to make the general good, and the true spirit of the constitution, the invariable rule of my conduct, and on all occasions to advance and reward merit in every profession.

"To ensure the full advantage of a government conducted on such principles, depends on your temper, your wisdom, your disinterestedness, collectively and individually.

"My people expect these qualifications of you; and I call for them."

*Debate in the Lords on the Address of Thanks.*] His Majesty having retired,

The Marquis of *Carmarthen* rose to move an Address, which he introduced by assuring their lordships that he wanted words to express the grateful sense of his heart upon the Speech which his Majesty had been pleased to deliver from the throne: that he had always thought it his duty, to pay every respect which a subject owed to so amiable a sovereign; but that far warmer sentiments than those of mere duty filled his mind at present.



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The high sense of his gratitude engrossed his breast, for the paternal regards his Majesty this day had so strongly evinced for the happiness and welfare of his people: but it is not, said his lordship, by words we are to shew our feelings; let the world see by our actions that we deserve such a monarch. This is the moment for Britain to exert herself: surrounded by the glory of victory, now—now—is the instant for honourable peace. Our combined foes are baffled in the schemes they had nearest to their hearts. Gibraltar is relieved; Jamaica has no dread of invasion. Never was there a period in our history when the naval power of this country appeared at such a height. Never were its glories so resplendent. To the noble lord who presides at the head of the Admiralty, must be ascribed our naval strength. Our renown must be given to the gallant commander (lord Howe) to whom that strength was entrusted. I flatter myself that nothing but unanimity will, at such a crisis as this, appear within these walls. His lordship then moved an Address, [which see at the end of this debate.]

Lord *Hawke*. I rise, my lords, to give my hearty concurrence to the motion. I think his Majesty claims our warmest thanks for having graciously and strictly complied with the wishes of his people; such conduct has been attended with victory, and the hour of victory, is the hour of negociation. The House of Bourbon seeing their superior fleets and armies baffled and conquered by the abilities of your commanders and the courage of your men, have been inclined to treat; and I congratulate this House, that however the separation between Great Britain and America is to be lamented, his Majesty's ministers have advised the crown to relinquish this obstacle to the negociation for peace. The attainment of a forced connection with America, (for I will not enter into the possibility or impossibility of the measure,) is neither for the interest, nor worthy the pursuit of Great Britain. No, my lords, could we have foreseen how much blood and treasure would have been lavished on this unfortunate war, its most sanguine advocates would have reprobated the measure, they would have foreseen that in the scale of human life, advantages are always balanced by their concomitant disadvantages; that America would gain much, but she would lose more; that the Spanish colonies would pursue to effect the same ideas of emancipation; and that the period was arrived, when a new system of trade would take place: history would have informed them, that the commerce and naval power of this country, were not founded on the sands of America. No, my lords, they are raised on the solid rock of national situation, national industry, and national courage. Since then, such is the relative situation of each respective country, ministers have certainly acted wisely in resting the connection of Great Britain and America, on the permanent basis of affection, consanguinity, religion and mutual interest. Pursuing the same liberal ideas which have attached the grateful affection of Ireland to this kingdom, they have done it, I flatter myself, ere the cold hand of death has destroyed those in both countries, who can forget recent distresses, in the recollection of former benefits. The loyalists, too, have not been forgotten; asylum, protection, and support are held out to them: criminal, indeed, would it have been to have neglected those unfortunate men who have deserved much at our hands, for much have they relinquished, and much have they suffered for the interests of this country. The neutral nations, satisfied with this plain, unequivocal proof how desirous we are to establish the general tranquillity, will no longer permit France to disturb the peace of Europe.—I come now to speak of the œconomy recommended in his Majesty's Speech; your lordships are sensible of the necessity of this measure; two plans were formerly adopted, the present not only comprehends them both, but contains one of much greater extent and utility. Ministers are not afraid to pursue the intentions of parliament, they have nothing to conceal, nothing of which they are ashamed; criminal indeed, would any other conduct be, when his Majesty has been graciously pleased to set them an example, not as in former times demanding the payments of accumulated debts, but providing for any debts incurred out of his annual income. With such a prince, so gracious, so disinterested, and so worthy of the love of his subjects, what may we not expect? A peace, not dishonourable, but highly honourable to Great Britain: but should France continue the war, the spirit of our people, the spirit of our fleet and army still remains unbroken, the treasures of Great Britain are

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not exhausted, her arm still remains unnerved, the commanders still exist who so lately led us on to victory, the glow of patriotism still animates the breasts of individuals; they have exhibited examples unmatched in history; let us follow the glorious example, we shall still rear the standard of victory, in defiance of the numerous foes, so invidiously combined against us.

The Earl of *Sandwich* would give his vote for the Address. He was so well convinced of the necessity of unanimity, that he thought every thing that was dear and honourable to the nation depended upon it. The Address was in general terms, and he would put confidence in ministers that they would act up to those general terms contained in it. But he wished to be understood, that when he gave his vote for this Address, he did not thereby intend to give up his right of disapproving the particular measures, when they came under the discussion of parliament. When the terms or propositions of peace were laid before the House, he should speak of them as they appeared to him to deserve. The last campaign having proved a glorious one for this country, he thought we were entitled to very honourable terms of peace. The navy was never in so respectable a condition as at present. The proud schemes of the House of Bourbon had been defeated; the grand objects of our enemies this year had been Jamaica and Gibraltar. They reckoned upon the conquests of these places with an almost certainty. Lord Rodney had defeated their fleet in the West Indies, and thereby saved Jamaica; and general Elliot had compelled the enemy to raise the siege of Gibraltar; these were advantages of the highest importance, and entitled this nation to very honourable terms of peace. He did not at present wish to know any of the terms, or any part of the state of the negociation. He was sensible of the delicacy of the situation of his Majesty's servants; of the tenderness and caution they must make use of; and therefore nothing was farther from his thoughts, than saying any thing which might in the least degree embarrass them. But he must give them a piece of advice: he had been concerned in negociations himself, and he knew something of the manner in which they were carried on. If our enemies were not inclined to acquiesce in such honourable terms of peace as we were justly entitled to, he hoped the war would be continued with vigour; that parliament would grant the most ample supplies for that purpose, that ministers would meet with the fullest support, and that nothing would be wanting to make the next campaign as glorious as the last: and if it should so prove, he must say to the King's servants, that whatever were the terms now offered, we ought at the end of the next campaign to be allowed to rise in our demands; if our enemies should prove successful, he was certain that they would rise in their demands, and therefore he cautioned ministers not to suffer the present terms to be any precedent for a future negociation; if the war was continued upon these grounds, they should have his support; but if they ventured to make innovations in the constitution, a constitution that had stood the admiration of ages, he must assure them they would meet with his hearty and determined opposition.

The Earl of *Radnor* said, that it was not with the most distant view of interrupting that unanimity, so properly recommended, that he wished to make a small amendment to the Address. As far as it went, it met with his hearty concurrence. But he thought there was an omission in it. It was the gratitude which he felt, that suggested to him this omission. The Address did not, in his opinion, express that grateful sense of his Majesty's goodness and regard for the interests and happiness of his people, in sacrificing to their wishes and welfare, his own rights and sovereignty over America, to procure the blessings of peace, which such benevolence and attention so justly deserved. His lordship therefore moved, that, after the words, "to acknowledge with the sincerest gratitude," be added "the sacrifice that his Majesty has been graciously and affectionately pleased to make to the wishes and opinions of his people, fully convinced that his Majesty's own conduct has always been actuated by a similar disposition."—This amendment was agreed to.

Viscount *Stormont* said, it was not his intention to interrupt that unanimity, which, at this time, was so necessary. The Address had his approbation. It contained those expressions of duty, loyalty and affection to the crown, which would always from him meet with the warmest support. He entirely agreed with a noble earl, as to the prudence of

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observing secrecy in the present state of negociation. But as a part of the negociation had been revealed by the Speech, he could not forbear animadverting upon it. We have been told, that the navy of England is now greater than at any period in our history. I shall record the remark, and compare it with the result of our present negociations. But without referring to a future comparison, have we not occasion to question the wisdom of his Majesty's servants even in the few steps they have taken towards a pacification, as far as they have thought proper to disclose themselves to the public through the medium of the King's Speech. What is this provisional treaty made by them with the commissioners of America? Commissioners acting under the guidance and direction of French councils. Does it not plainly import the most preposterous conduct that it was possible for a ministry of the greatest imbecility to have fallen into? Does it not say, that, without any condition, any qualification, any stipulation whatsoever, America shall be independent whenever France chooses to make a peace with us? Is not this provisional treaty irrevocable? Does it not declare the matter in contention given up? Is not independence given to the Americans without possibility of retraction? Let France, Spain, and Holland now war as they please, the former grounds on which they fought, grounds by no means tenable by honour, are now changed. America has been treated with on an independent footing. This treaty has been made without equivalent. But before ministers agreed to be weak enough to enter into this provisional treaty, as it is called, they would have done well to have consulted history on the occasion. I will venture to affirm, that there is not an instance in either ancient or modern story to countenance such a procedure. It would not have demeaned the present administration to have considered the conduct of the Spanish government in nearly similar circumstances. By a wise negociation, in a reign of the greatest imbecility that ever Spain knew—I mean the reign of Philip 2, the Spaniards retained ten out of seventeen revolted provinces, and these ten the most valuable to the Spanish empire. The Spanish negociator did more; he detached the seven provinces, whose independency was acknowledged, from their French allies. But this is not all that I have to reprobate in this unconditional independence, this provisional peace. What are to become of the wretched loyalists; is a mere provision for existence, an eleemosynary support, all that this honest, brave set of men must expect at the hands of the government, which they have, at the utmost risk of life, fortune, and, in short, every blessing on this side the grave, adhered to in the worst of times? To Spanish history I will again advert in behalf of these much abused people: the rebellious Catalonians were, on the remarkable treaty with that province, placed by their sovereign on the same footing with his most favoured Castilians. In the treaty of Munster, there is a lesson of wisdom, that the wisest minister under the sun need not scorn to be instructed by. And let me add, that, if (neglecting the wisdom handed down by past ages) we shall abandon our generous, loyal, suffering friends, we shall bring so foul a disgrace on the name of Britain, as no future period shall ever be able to expunge. Before the late change of ministers, it was said, that there were persons in town authorized by America to treat of peace; but no enquiry had yet discovered the persons, nor ascertained the truth of that extraordinary assertion. I shall say but a word more, and that respects the part of the Speech which mentions his Majesty's taking these measures in correspondence with the wishes of parliament. Where have these wishes appeared? Will any noble lord rise and tell me, that a resolution of the House of Commons conveys the wishes of parliament? Surely not. The constitution is not so ill understood at this time of day, as to suppose any man so ignorant. By what means, then, is his Majesty to be considered to have collected the sense of parliament? I see none. I am sorry the terms of the Speech give me occasion for these remarks. The objects were before me, and as an honest man I could not shut my eyes against them. Still however I shall hope the best, and suspend my judgment till the negociation on the tapis is finally closed.

The Earl of *Shelburne* said, that he felt himself called upon by the noble viscount in so strong a manner, that he must claim their lordships' indulgence for a few minutes. With regard to the American commissioners at Paris being under the direction of French councils, he thought the noble lord totally under a mistake. In the course of the negociation, he had

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made no such discovery, nor had any circumstance happened which could give occasion for such a suspicion. He believed, and never doubted, that the American commissioners would adhere firmly and faithfully to their alliances, their engagements, and their promises. In all the concerns which had hitherto passed, he had found them men of strict honour. They had acted fairly, honestly and openly. What he said was no more than bare justice. The noble viscount was likewise mistaken in his idea of unqualified, unconditional independence, being given to America. He could not indeed speak to the particular situation, or conditions of the American treaty. The noble earl (Sandwich) whom he had heard with great pleasure, and whose advice he highly approved of, had spoken of the necessity, delicacy and secrecy proper to be observed at this moment. But there was an article in the King's speech which fully answered all that the noble viscount had said upon this subject; and he would read it to refresh his lordship's memory: "Finding it indispensable to the attainment of this object, I did not hesitate to go the full length vested in me, and offered to declare them free and independent states, by an article to be inserted in the treaty of peace. Provisional articles are agreed upon, to take effect whenever terms of peace shall be finally settled with the court of France." This offer is not irrevocable; if France does not agree to peace the offer ceases. The noble viscount had spoken of Spanish politics. It was an allusion he was surprised at; they were Spanish politics which had brought this country into its present situation. He had opposed and reprobated those Spanish measures, session after session; he had deprecated the vengeance of ministers; he had unceasingly endeavoured to preserve some little remains of the friendship in America for this country: some atom or spark from which he had hoped, and did still hope, to re-kindle a mutual affection, before all the feelings, passions and habits of that country became absorbed in the politics and interests of France. If, contrary to his expectation, peace should not be obtained, every exertion should be made in carrying on the war; and he had the happiness to say, that there was a perfect unanimity amongst his Majesty's servants upon all the measures of government: those noblemen and gentlemen with whom he had the honour to act, had individually and collectively given the strongest support, shewn the warmest zeal, and displayed the greatest ability in the promotion of the national honour and interest. Another part of the noble viscount's speech related to the resolution of the House of Commons against the American war not being the sense of parliament. It was very true that a resolution passed by one House only did not include the other House; but his Majesty was fully authorised to make that offer, from the sense of parliament expressed on several occasions. He had said before he came into office, as well as since, that the crown had a right to its negative. It was the prerogative of the crown to make peace and war; his incessant endeavours had not been wanting to put an end to the American war; he must call it the accursed American war; he had found it impossible to be done by any other means, than an offer of independence. Finding every other effort to have failed, he was free to acknowledge that he had advised the offer which had been made. That offer went very much against his nature, it was a bitter pill, the bitterest he had ever swallowed; no man felt more sensibly upon this diminution of empire than he did, and it was singular that those who had made this diminution inevitable should venture to question it. It was a misfortune but not a misfortune of his bringing on. He had not been the author of the Boston Port Bill, of the Tea Act, and all the numerous provocations which had been given to America. A noble earl had mentioned his determined resolution to oppose any innovation in the constitution. If the question of a more equal representation was the innovation alluded to, he must say, that he was of the same opinion he had ever been upon that subject; it was a point of great importance, and he should be happy to hear every opinion upon it, in order that it might have the fullest and fairest discussion.

Earl *Fitzwilliam* apologised for speaking upon a subject not fully before their lordships, and which, owing to the delicacy of his Majesty's servants, was not sufficiently explained to become intelligible; the noble earl who spoke last had indeed said, that the offer of independence to America had been advised by himself. In June last, the noble earl was totally averse to making that offer. No material circumstance in the affairs of America had happened since that time, to make this

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great alteration in his lordship's sentiments. It was true, the noble earl called it a bitter pill, but he had swallowed it.

The Earl of *Shelburne* affirmed, that he had not altered his sentiments; that he had attempted to procure peace by every means before he made the offer; that every effort and every assistance he could get had proved ineffectual; but he was not to be charged with this misfortune. He had session after session attempted to put a stop to the madness and rage for carrying on the American war. He had not been the author of the Declaratory Act, which had given more offence and excited greater jealousy in America than any one of the subsequent Acts; an Act which had been reprobated by the Congress, and throughout every province in America.

Viscount *Stormont* said he recollected an expression of the noble earl, which was, that when the independence of America was granted, the sun of Great Britain was set. The noble lord was now of a different opinion; that sun is set, there is not a ray of light left, all is darkness. The noble lord contemns Spanish politics: the Spanish minister who negociated on the part of Spain the treaty of Munster, was however a very able negociator; he succeeded in preserving to the crown of Spain, ten of the seventeen provinces which had revolted. But the British negociators at Paris had not preserved one of the thirteen colonies.

The Duke of *Richmond* said he must take notice of what had fallen from a noble lord of the expectation of very honourable terms of peace, because our navy was once respectable. The respectable state of the navy, he hoped his lordship would claim to merit for. It was true, that the navy was now respectable, and unanimity was restored in it. But what was the navy which his lordship left, when he went out of office in March last? It was an indubitable fact, that there were not then more than 11 ships of the line fit for service. The unremitting exertions of the noble lord now at the head of the Admiralty, had brought the navy into its present respectable state. There was no man in the nation more ready to bestow every praise upon the conduct of lord Rodney than he was; nor of adding, if it was possible to add any thing, to the encomiums most justly due to general Elliot; but in doing these, he could not withhold the praise also due to the noble lord, who commanded the fleet which relieved the brave and gallant garrison; that fleet, besides better equipped than any fleet which had sailed from England for some years past, was commanded by some of the best officers in our service, who nobly came forward when they saw a board of Admiralty in which they could place confidence. The combined fleet, though greatly superior, durst not engage them; the consequence was, that the place was effectually relieved, and the siege raised. The noble earl had said, he would oppose all innovations of the constitution. But to make a more equal representation of the people in parliament, was no innovation; would any man say, that the present House of Commons was a fair and equal representation of the people? It was no such thing; it was a mockery of representation; the House of Commons, as it was at present constituted, was a mock representation.

*The Lords' Address.*] The Address was then agreed to, and is as follows:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"It is with the sincerest gratitude we acknowledge the sacrifice which your Majesty has been graciously and affectionately pleased to make to the wishes and opinions of your people, fully convinced that your Majesty's own conduct has always been actuated by a similar disposition: we acknowledge likewise your Majesty's constant care and attention to the true interests of your people, and the critical state of public affairs since the last session of parliament; and in a particular manner for your Majesty having been graciously pleased to direct your measures towards promoting a cordial reconciliation between Great Britain and America.

"Permit us, Sir, to express our great satisfaction that your Majesty, in the exercise of the powers which were vested in you, has laid the foundation of a peace with that country, and that you have actually agreed upon articles to take effect when the terms with the court of France shall be finally settled, thereby affording to your people a reasonable expectation of being delivered from the burdens of a most expensive war; as well as to unite

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our hopes with your Majesty's, that religion, language, interests, and affection, may yet be the means of effecting a permanent union between the two countries; to obtain which purpose, so highly laudable, our most earnest endeavours shall not be wanting.

"Your Majesty may be assured we are sensible of the important advantages resulting from the successful exertions of your Majesty's fleets, owing to the skill and bravery of your officers, and those serving under them, in protecting your distant colonies and settlements, as well as the great branches of our trade: and that we are impressed with a due sense of what is owing to the spirit and good conduct of your Majesty's governor and garrison of Gibraltar.

"We set a just value on the continuance of our domestic tranquillity, and shall always reflect with peculiar satisfaction on the signal instances of public spirit called forth by the occasion.

"We learn with great joy that a considerable progress is made in the negociations for a general peace, at a moment so suitable to your Majesty's dignity; and we cannot omit to acknowledge the paternal regard your Majesty has shewn for the lives and fortunes of your brave and gallant subjects.

"We return your Majesty our hearty thanks for your gracious promise to communicate to us the terms with the several belligerent powers as soon as they are concluded; and we give your Majesty the strongest assurances, that if any unforeseen change in the dispositions of those powers should disappoint your Majesty's confident expectations of peace, we will most cheerfully exert our utmost endeavours to assist your Majesty in a vigorous prosecution of the war.

"We will not omit, on our parts, to apply ourselves, with the most unremitting attention, to the several important points which your Majesty has been pleased to mention, and to consider of the most effectual means for remedying the evils which may be apprehended from the present scarcity of corn; and for preventing, as far as possible, the crimes of theft and robbery, which have lately prevailed to a very alarming height.

"We beg leave to express our satisfaction at the measures which have been adopted with respect to Ireland for securing its rights and commerce, which, we trust, will have the effect of ensuring that harmony which ought always to subsist between the two kingdoms; and we do assure your Majesty, we shall be ready to direct our attention to a revision of our whole trading system, guided by the same liberal principles which your Majesty has been graciously pleased to commend.

"We are deeply impressed with a sense of the important subject which the state of our national concerns in the East Indies offers for our most serious deliberation; and your Majesty may be persuaded we have a due impression of your royal goodness in thus extending your anxious regard to the good government of the distant territories in Asia, and to the welfare and happiness of the people there: we will, in return, shew ourselves zealous to answer your Majesty's gracious expectations, by assisting to frame some fundamental laws which may make their connection with Great Britain a blessing to India, and may give to other nations, in matters of foreign commerce, an entire confidence in the probity, justice, and good order of the British government.

"Allow us to express, in the most fervent and grateful manner, our warmest gratitude for your Majesty's gracious assurances, that you will make the general good, and the true spirit of the constitution, the invariable rule of your Majesty's conduct, and that you will on all occasions advance and reward merit in every profession.

"Your Majesty may rely, with the utmost confidence, that every measure will be adopted on our part, to secure the full advantages of a government conducted on such principles."

*The King's Answer.*] His Majesty returned this Answer:

"My Lords;

"This very affectionate and loyal Address affords me the highest satisfaction.—Your approbation of the foundation I have laid for a peace between Great Britain and America, and of the measures I have taken towards a general pacification, as well as the earnest zeal which you have so unanimously expressed for carrying on the war with vigour, if the negociation should unexpectedly break off, must be attended with the best effects, both at home and abroad.—Your affectionate acknowledgment of my constant disposition to make my own conduct conformable to the wishes and opinions of my people, touches me most sensibly.—Upon that

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principle, I can never regret the sacrifice I make of every consideration of my own. —I accept, with pleasure, your assurances of support to a government conducted on principles equally agreeable to my own honour, and the public good."

*Debate in the Commons on the Address of Thanks.*] The Commons being returned to their House,

The Hon. *Philip Yorke*,* member for Cambridgeshire, rose, to move an Address of Thanks to his Majesty for his gracious Speech from the throne. He began with comparing the state of this country at the end of the last year with our present situation and prospects; and trusted he should not be deemed too sanguine, if he felt himself elated at the contrast. At the opening of the last session of parliament, his Majesty announced from the throne, the unfortunate issue of the campaign in Virginia, which ended in the surrender of the second British army that had piled their arms on the continent of America. One consolation was, however, to be derived from that great and unfortunate check, that it brought home to every man's feelings, a fatal conviction of the impracticability of continuing offensive war in America; and, as if the continuance of that unfortunate war had been a clog upon every other operation, its abandonment was succeeded by the most brilliant success against the fleet of France, in the West Indies. The importance of that victory had been acknowledged by the thanks of parliament, and by the general approbation of the country; it had been felt in the security of Jamaica, in the diminution of the French navy, and lastly it had proved to those who before doubted of it, that the zeal, the discipline, and the intrepidity of British seamen would rise superior to every difficulty, if once a fair opportunity was given of bringing the enemies of this country to a general engagement.

His Majesty informs the House, that he has taken such measures as were most likely to promote a cordial reconciliation with America, and states the use that has been made of the powers with which he was vested by an Act of the last session; that every dispatch was used to carry into effect the resolution of the House of Commons, restraining offensive operations in America. That vote was succeeded by another resolution, declaring that minister an enemy to his country, who should advise his Majesty to deviate from the sense of the House. Nothing, then, remained to be done but to obtain peace; not by making war, for that was prohibited, but by making concessions; and no concession was likely to be deemed sufficient, but the opening of a treaty with America, upon the footing of a free and independent state. But at the time that his Majesty, for the sake of peace, and for the sake of relieving this country from the heavy burthens under which it labours, has made so great a dismemberment of the British empire, he consoles himself with a well-grounded hope, that other motives than those of dependency, may tend to connect the two countries in a bond of permanent union. It is to be hoped, that a people speaking the same language, educated in the same religion, of the same habits, and of the same manners, may prefer a commercial connection with this country; and that Great Britain may still enjoy a larger share of the American trade than any other nation in Europe, upon fair and liberal principles of commerce.

With respect to that part of the Speech which alludes to the relief of Gibraltar, there is no one who will refuse to join in every praise that can be bestowed on the noble and gallant commander who had the conduct of that important operation; who, in the face of a superior fleet, atchieved the relief of a besieged garrison; which had already from its own strength, and the resources it before possessed, effectually repelled the united efforts of two formidable powers, and destroyed the sanguine hopes of the Spanish nation. Nor has the superiority of the British name been more conspicuous in any instance, than in those extraordinary efforts of courage, in the cause of humanity; the intrepidity exerted in the succour of a distressed and vanquished enemy, deserve the gratitude of every one who has the honour of his country at heart. In this situation a treaty has been opened with the belligerent powers, and his Majesty assures us, that so considerable a progress has been made, that he hopes in a short time, to be enabled to inform his parliament, that it has ended in terms of pacification. Such, undoubtedly, is the expectation of his Majesty: but if, contrary to appearances, the desire that has been shewn for peace, should not meet

* The present Earl of Hardwicke [A. D. 1814.]

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with the return from our enemies that may reasonably be expected; if, instead of inclining them to terms of pacification, the moderation of Great Britain should only revive the ambitious designs of our enemies, his Majesty will then feel himself under the necessity of calling upon the public, for farther supplies, as the only defence against that formidable combination which will appear to point its whole force at the very existence of this country.

The warmest and most affectionate recommendations of his Majesty have not been wanting, to enforce the necessity of that consideration, important above all others; the lessening of the national expences by the strictest œconomy in every department. An attention to this alone, must be the source of future wealth and future strength; and the progress that has been already made will be to little purpose if parliament lose sight of the object. Mr. Yorke observed, that he was in the hearing of an hon. gentleman, (Mr. Gilbert), who had great merit for the pains and attention that he had bestowed during the course of the summer, upon the investigation of the different employments of the King's household. Many complaints have been uttered of the hardship done to individuals, in depriving of small places persons who have no other means of subsistence, and who having enjoyed them for a series of years, have been used to consider them as their life-rents, as their estates on which they could depend. He trusted therefore, that whenever the subject came under the consideration of parliament, or of his Majesty's ministers, for the purpose of being laid before the House, if there appeared cases of peculiar hardship, that they would suffer the places to remain during the lives of the present possessors, especially where the places themselves were inconsiderable, and the possessors advanced in years. His Majesty assures the House, that in consequence of the regulations in the establishment, his expence shall not in future exceed his income. On that ground, the House will conceive it highly proper to discharge the civil-list debt, and to comply with his Majesty's gracious wish, in repaying the public from the annual savings that are to be made by the reforms. Of the many important objects recommended to the consideration of parliament, in his Majesty's Speech, the scarcity of corn is a circumstance which calls for their serious and immediate attention. The regulation of internal police is an object to which the early attention of the legislature should be directed. For, as the power and riches of a great state, depend upon its trade and public revenue, these depend upon the morals of the people, and upon that industry which is the best means of reformation and its best security. It is not enough that government neither invades property nor forces conscience, because too many in the mass of mankind are to be found without either; and the indigent will always be ready to disturb, and the profligate to betray. In a political view, therefore, morality is only another name for public order; and that compassion, public or private, which tends to promote industry, tends to promote the health, the order, and the morals of the people.

With respect to Ireland, his Majesty trusts that the liberal measures adopted towards that country will insure a continuance of that harmony between the two countries which is so essential to the interests of both.

In alluding to a very important topic, which his Majesty recommended to the consideration of parliament, namely, the East India affairs, Mr. Yorke conjured the House, whenever they proceeded upon that business, to enter upon it with temper, diligence, and perseverance; and trusted that gentlemen would not suppose, that because they had not given themselves the trouble of reading the reports of the two committees, they were incompetent to decide upon any question that related to the East Indies; if that were the case, a very important part of the business of the session would be done in very thin Houses.

After apologizing for having taken up the time of the House, and for undertaking a task for which so many others were infinitely better qualified, Mr. Yorke concluded by moving the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty the thanks of this House, for your most gracious Speech from the throne.

"We beg leave to acknowledge, with sincere and hearty thanks, your Majesty's royal care and attention to the important and critical state of public affairs since the



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last session, and particularly for having been graciously pleased to direct your measures to promote a cordial reconciliation between Great Britain and America.

"Permit us to express to your Majesty our satisfaction that your Majesty, in the exercise of the powers which were vested in your Majesty, has laid the foundation of a peace with that country, and has actually agreed upon articles to be concluded whenever terms are finally settled with the court of France. We most ardently wish, that religion, language, interests, and affection, may yet prove the bond of permanent union between the two countries.

"We are impressed with a due sense of the advantages resulting from the safety of the great branches of our trade, and of the happy success which we owe to the spirit of your Majesty's governor and garrison of Gibraltar, and to the skill and bravery of your Majesty's fleet: and we reflect with peculiar pleasure on the uninterrupted continuance of our domestic tranquillity, and the signal instances of public spirit which the situation of the country has called forth.

"We rejoice to learn that advances have been made towards a general pacification, at a moment so suitable to your Majesty's dignity, and to your gracious and parental regard to the lives of your Majesty's brave and gallant subjects.

"We desire to thank your Majesty for having promised to acquaint us, as soon as the terms are concluded; and to assure your Majesty of our resolution to take every measure to second the most vigorous efforts in the further prosecution of the war, if any unforeseen change in the dispositions of the belligerent powers should frustrate your Majesty's confident expectations of peace.

"We are anxious to offer the warmest return of gratitude to your Majesty, for your gracious disposition to diminish the burthens of your people; and to assure your Majesty, that your faithful Commons will, as they ought, most zealously co-operate in such measures as may be necessary to give stability to regulations for that purpose. We will cheerfully provide for the deficiency of the sum granted last year for the discharge of the debt on your Majesty's civil list.

"We will apply ourselves, with the most serious attention, to the many important points which your Majesty is pleased to recommend to our consideration: we will do every thing in our power to remedy the evils which may be apprehended from the general scarcity of corn; to put a stop to the alarming excess of theft and robbery, and the causes from which those crimes originate; and to lay the foundation of a gradual redemption of the public debt, by a fixed course of payment.

"We recollect, with great satisfaction, those liberal measures adopted with regard to the rights and commerce of Ireland, which will, we trust, insure the harmony which ought always to subsist between the two kingdoms. And we shall be ready to consider of such a general revision of our trading system, as may, in the present circumstances, be wise and expedient.

"We are truly sensible of the necessity of framing such regulations as are adapted to the situation of affairs in the East Indies. And we beg leave to assure your Majesty, that it will be our great object, in all our deliberations, to manifest that temper, and those principles, which your Majesty is pleased to inculcate, and which are required of us by the duty we owe to your Majesty, to our constituents, and to ourselves."

Mr. *Bankes* rose to second the motion. At the end of the last session he said, the question of the independence of America stood in the way of a peace, but that obstacle was removed and done away. His Majesty had declared from the throne, that offers of independence had been made to America. That a peace was much wished for, he believed, no one would deny. He therefore rejoiced most exceedingly, that ministers had not only made a considerable progress towards it, but had advised his Majesty to declare, that he hoped in a little time to be able to announce, that a general pacification had taken place. In obtaining this, the hon. gentleman was glad, that no sacrifice would be made in granting the independence of America. By granting the independence of America, Great Britain would give up nothing. America had long been independent, and it was not possible for us to make her more so. But although so great a dismemberment was made, he trusted the connection between Great Britain and America would not be at an end. America talked the same language, and had her interest too strongly interwoven with that of Great Britain, not to

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make them for ever one and the same people, and give to her the greatest part of her commerce. The hon. gentleman represented the late campaign as a most glorious one to this country. We had conquered in the East Indies, and our superiority in the West Indies was well known; the gallant defence of Gibraltar was equal to any thing ever heard of: lord Howe had been able to relieve the garrison, and had offered battle to the combined fleets of France and Spain. Yet this, in his opinion, was no argument for continuing the war. We had met with successes, but of what kind had they been? The victory obtained over count de Grasse, by lord Rodney, had been noble, indeed; but had the French pursued the object they had in view, instead of fighting us, which they ought to have done, the island of Jamaica had been lost; and the successes of the present campaign, though they certainly had been brilliant, would hardly induce the enemy to be less animated in their exertions against us in the next campaign. Gibraltar had, indeed, been saved, and had been proved to be impregnable; but still, the enemy might, and in all probability would, be urged to a continuance of the war, for the possession of that and other objects of their hearts.

It had been said, indeed, and very generally said, that our enemies were not very powerful any more than ourselves; that the French were very much straitened, and by no means in a humour to prosecute the war. But to this he gave very little ear, and even were it true, he would by no means use it as a reason for putting peace aside. We should gain but little by the destruction of our enemies, if in effecting it our own ruin followed. In his opinion, a peace was to be made and ought to be made. Our situation demanded it; a great deal was due to national honour and to national ambition, but he thought much more was due to national credit. We were plunged deeply in debt, and it behoved us to discharge it. National credit did not consist so much in point of treasure, as in the regular observance of our public faith in the discharge of debts for which it was pledged, and he observed with great pleasure, that part of his Majesty's speech, which held out a hope, that a plan would be proposed for the regular and progressive diminution of our debt. To this end, he thought a peace was to be procured on the best terms that could be had. In considering this, we were not to expect such conditions as if we were in a prosperous state, or as if the war we had been carrying on had been a glorious one. The hon. gentleman complimented, in very warm terms, that part of the speech which held out rewards to those who might most distinguish themselves in the public service, and represented the gallant behaviour of general Elliot, in defending Gibraltar, as doing both him and his country the highest honour, whether we considered him as a soldier, or a man of humanity: but great and splendid as this was, he did not think it was enough to encourage us to persevere in the war. A peace was the only thing that could save us; and in making this, great sacrifices must be made, for national honour was national faith and credit, and our debts were at all events to be discharged. Our ambition was not to stand in the way of a peace; we were not to hesitate about giving up this place or that place, merely because it had a name, or had distinguished itself in a peculiar manner. If in making a peace, sacrifices were necessary, sacrifices ought to be made, and above all, in the concessions which we should have to make, we ought to be anxious to put our pride out of the way. If there was any post which was kept as a post of honour more than a post of utility;—if there was any place which we kept as a mark of superiority more than as a possession of advantage;—a place which cost us more in keeping than it was worth;—if there was a place which in particular hurt the pride of the enemy;—which was the object of their ambition and desire;—that which would instigate them to go to war, and provoke them to continue in it:—surely that of all others was the place, which in such circumstances as the present, ought to be ceded; particularly, if by so doing, it was in our power to gain a solid and permanent peace; and also, perhaps, to gain territories in exchange of more intrinsic value to us as a commercial people.

The hon. gentleman commended the œconomy recommended in his Majesty's speech, and said, that without every attention to it, we were totally undone. It was not only œconomy that we had to observe, but parsimony in the extreme; nay, it should be avarice;—nothing short of it would do. The expences of the war had plunged us head and ears in debt;—it had increased the national burthen, not less than eighty millions, and every one knew,

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that the interest on this was three millions a year: this would, at once, shew the necessity there was for a speedy and effectual reformation in the public expenditure. He congratulated the public upon their having this great national object recommended, at a time, when it would come under the consideration of one (Mr. Pitt), whose virtues and abilities kept pace with one another; and who, while he attended to reform of abuses in the expenditure of public money, would never press that reform to the ruin of individuals, who had nothing to subsist upon but that income of office, which had always been considered by them as their support through life. He therefore trusted, that whatever reforms were made, the persons at present in office might continue in their situations. The hon. gentleman sincerely hoped for every retrenchment that could be made; but was of opinion, that, unless peace should soon be brought about, there would not be any office left us to make any reforms in. As to the peace which his Majesty's speech so much promised, he thought the permanency of it was as much to be wished for, as the speediness with which it was to be hoped it would be made. He took notice of the mention made in the speech, of East India affairs, and doubted not, but that the House would, when they came under consideration, deliberate upon them with that temper and moderation which could alone give efficacy to their proceedings.

Mr. *Fox* said, that though he did not mean to give any opposition to the Address, or to propose any amendment to it, still he did not think that it would be proper for him, at so important a crisis as the present, to let the first day of the session pass over, without some remarks on a subject of the greatest magnitude. He could have wished that it had fallen to the lot of some other person to have taken the lead that day, on account of the situation in which he stood, and the suspicions which he was above denying he entertained of some of his Majesty's ministers. That situation, and those suspicions, might incline the House to think that he meant, by rising thus early, to oppose the measures of government, right or wrong, and to obstruct them at any rate. He disclaimed all such intentions. Whatever might be his situation, and whatever his suspicions, he should support the present ministry in all things in which he thought they were acting for the public good; and he rose now for the purpose of making some remarks on the speech from the throne; with some parts he was well pleased, and he did not mean to give any opposition to the rest, or to propose any amendment. There were some things in the speech which particularly struck him, and some things also in the speeches of the two hon. gentlemen who moved and seconded the address, particularly the latter. And first he would take notice, that in the very outset of the King's speech, which, according to parliamentary custom, he must consider as the speech of the minister, there was an inaccuracy in point of time, which he was willing to look upon merely as the effect of inattention, and not of design; where it was stated, that since the last session, his Majesty had lost no time in giving the necessary orders for putting an end to the war on the continent of America. If this date of the orders had been correct, it would have been the strongest proof of guilt in him, and in those with whom he had had the honour to act in his Majesty's councils, for having so long delayed to send out those orders, which parliament had pronounced to be so necessary; but in fact, they had been issued long before: this much he thought necessary to premise, lest the character of a noble friend now no more, and his own, should suffer by an imputation, that orders for putting an end to offensive operations in America had not been sent till after the recess of parliament. [The Chancellor of the Exchequer interrupted him for a moment, just to assure him, that, upon a careful perusal of the speech, the hon. member would find that there was not so much as a shadow of ground for any such imputation.] Mr. Fox again observed, that he had not a doubt but such an imputation might be drawn from the speech, though he was convinced that there had been no intention in administration that the speech should convey it. For the words of the speech were, "Since the close of the last session, I have employed my whole time in the care and attention which the important and critical conjuncture of public affairs required of me,"—and in direct continuation,—"I lost no time in giving the necessary orders to prevent the further prosecution of offensive war upon the continent of North America." If language was to be understood in its common acceptation, this certainly meant that this important fact was done since the last session, and consequently since he and his

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friends had left his Majesty's councils; and by the same strain of language, all the other concerns mentioned in the speech seemed to take their origin from that date. This certainly was so; but he hoped and trusted it was so by inadvertency only.

As to the provisional articles of peace with America, it was impossible for him, at this moment, to approve or condemn them, because he was utterly unacquainted with them: but he would take it for granted, that the independence, the unconditional independence of America was recognised by the first article. The great difference between him, and the present minister on that head, was, that the latter wished that the independence should be the price of peace, while on his part, he was of opinion, that no barter should be made; but that Great Britain should, in a manly manner, recognise at once that independence, which it was not in her power to check or overturn. For this he had two reasons: one was, that it would appear magnanimous on the part of England, and inspire America with confidence to treat with us, when we should set out by irrevocably granting her independence; a confidence which she could not feel, if this independence was to depend on other measures, which were not yet agreed to: his other reason was, that by a provisional treaty (to take place when France and Great Britain should have settled terms of peace with each other) the very preliminary article of which was an acknowledgment of American independence, England and America should have so completely determined all their differences, that nothing more would remain to contend for between them; the two countries might then be said to be virtually at peace; or if America should continue the war as the ally of France, it would be a war so very like a peace, that France deriving little or no advantage from it, would be the more easily induced to think of peace, and be the less forward to propose harsh or dishonourable terms to this country These were the reasons by which he was influenced to advise the recognition of unconditional independence; and he was the more surprised to find that ministers had been so tardy in making peace with America by a provisional treaty, when the same happy effect might have been produced months ago, if unconditional independence had been earlier offered: for his part, he was unable to account for the delay: when his Majesty had given him orders to write to Mr. Grenville, at Paris, to authorise him to offer independence unconditionally to America, he obeyed the orders with a degree of pleasure, which could be equalled only by that which he felt, when he read the letter of lord Shelburne to sir Guy Carleton, in which the words of the letter to Mr. Grenville were recited; when he read that letter, he carried it with pleasure to the late marquis of Rockingham, and with joy told him, that all their distrusts and suspicions of the noble lord's intentions were groundless; but his pleasure on that occasion was not of long duration; for even before death had removed the noble marquis from the treasury, lord Shelburne began to speak of the dreadful consequences that must ensue to this country, if America should be separated from it: and gave a decisive opinion, that the letter to Mr. Grenville, and the recital of the same to sir Guy Carleton, were not an unconditional recognition of American independence, but a conditional offer to be recalled in certain circumstances. This gave me suspicion, said Mr. Fox, which I could not conceal; for in writing the letter to Mr. Grenville, I had chosen the most forcible words that the English language could supply to express my meaning; as far as I can recollect they were these, or exactly to this meaning: "to recognise the independence of America, in the first instance, and not to reserve it as a condition of peace." When he saw the recital of these words in the letter of the earl of Shelburne to sir Guy Carleton, all his doubts vanished, and he was completely relieved. What, then, must be his astonishment and torture, when in the illness and apprehended decease of the noble marquis, another language was heard in the cabinet, and some even of his own friends began to consider these letters only as offers of a conditional nature—to be recalled if they did not purchase peace. I considered myself as ensnared and betrayed; I therefore determined to take the measure by which alone I could act with consistency and honour—I called for precise declarations—I demanded explicit language—and when I saw that the persons, in whom I had originally no great confidence, were so eager to delude, and so determined to change the ground on which they had set out, I relinquished my seat in the cabinet with the heartfelt satisfaction of having maintained my principles unstained, and with the prospect of

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being able to do, by leaving it, what I could not accomplish by remaining there. —His hopes and expectations were fulfilled, just as he had apprehended and stated to that House; he had been able to persuade his Majesty's ministers to the discharge of their duty, more effectually in that House, than he was able to do in a private room. Thank Heaven, the measure was now taken, the deed was done, and done, he hoped, in the most effectual way, and he agreed with the hon. seconder that in doing this we gave away nothing. The independence of America was acknowledged by his Majesty's ministers; and though it had been said, "that whenever this should happen, the sun of England would set, and her glories be eclipsed for ever," yet he was of a contrary opinion, and he would defend the earl of Shelburne against any peer who should hold such language. He had set his hand to sign the independence of America, although it had been insidiously said, that "it would be the ruin of his country, and that he would be a traitor who should do it." But if any peer should dare to impeach the earl of Shelburne for having done this, I, said Mr. Fox, will stand up his advocate—I will defend him against all such artful and insidious charges—I will hold him harmless, and protect him from the accusation of "having dared to give away the rights of Great Britain;" and pledge myself, that the recognition of the independence of America, shall not be "stained with the blood of the minister who should sign it." [Mr. Fox here alluded to expressions made use of by the earl of Shelburne in the House of Lords in the course of the last session.] Quitting this strain of irony, the hon. gentleman said, that the earl of Shelburne had done this important matter even after all these sayings, and thinking as he did, that it was so wrong, and so alarming, he could not avoid applying to him a distich, which he had read in a ludicrous poet:

> You've done a noble turn in nature's spite,
> For tho' you think you're wrong, I'm sure you're right.

There were some expressions in the speech, which though he did not intend to find fault with, he would have been as well pleased had they been left out; and these were the expressions of the concern felt by his Majesty, at the idea of renouncing the claims of this country over America: it would have been surely much better, that his Majesty had been advised boldly and manfully at once to give way to necessity, and not to express so much dejection at parting with the sovereignty over a country, which it was no longer in his power to assert and maintain; but much as he disliked these expressions, he was as much pleased with those, in which his Majesty indulges the philosophic speculation of prospects of future connection with America, from similarity of language, manners, religion, and laws: for his own part, he did not doubt but the day would come, when by a firm alliance between Great Britain and America, the courts of France and Spain would awake from their idle and illusory dreams of advantage, which they think will follow to them by the separation of America from the mother country; through that alliance the sun of Britain might rise again, and shine forth with dazzling lustre. But to induce America to confide in us, we should convince them by the most open and unreserved conduct, that we mean fairly, honestly, and sincerely by them. He was always of opinion that it was not right, in our present circumstances, to think of treating with America, by way of bargain for her independence. He conceived, that the only method of acting, which was at once political and wise, was to behave with manliness and generosity; and shew them that there was still a disposition in the government of this country, to treat them with the nobleness of Englishmen. This was his idea when he sat at his Majesty's council board, and this was the conduct which he had recommended ever since he perceived that we should soon come to the necessity of recognizing their independence, either with grace or by compulsion. But he was afraid that ministers would act in such a manner as to create suspicions, even where they meant to act honestly. For instance, in the Secretary of State's letter to the Lord Mayor, the colonies were very properly stiled the United States of America; and as he made no doubt, but in the provisional treaty they were so declared, he expected to have heard them called by this name in his Majesty's speech; and the disappointment he felt on that occasion gave him the more concern, as he perceived there was even now a backwardness publicly to avow and acknowledge what he trusted and hoped was already done in the treaty—the independence of America. Surely, if it was thought proper to call them by their

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proper name, in the letter of the Secretary of State, it would not have been unfit to call them so in the speech; surely his right hon. friend did not mean to defraud his master of the merit of conciliating the hearts of the Americans, and binding them to this country by expressions of grace and kindness. He was sorry that his Majesty's ministers had not advised their royal master to make use of a language more dignified and becoming, than that which they had put into his mouth.

He was sorry that the speech held out no prospect to this country of alliances to support her, in case she should be obliged, by the unreasonable exactions of France, to continue the war. He hoped that there was no neglect in so important a branch of a minister's duty, as that of making friends and allies; and yet he could not think, that if we were at this moment without friends, it was for want of a good disposition towards this country in some of the most powerful states of Europe. It was true, that while the old ministry were at the head of affairs, there was not the least ground for hope that any power would make a common cause with a country that was ruled by madmen; but he was surprised that, when the nation had come to its senses, and driven these madmen from the cabinet, the friendly disposition of some of the great courts of Europe to England had not been courted with success. He himself had not been long in office; but, short as the time was, it was long enough to convince him that England was not destitute of powerful friends in Europe, whose friendship might have been cultivated with success, and improved to the great advantage of this country.

Peace to him appeared a most desirable object; but much as he wished for peace, he certainly would not go the lengths to obtain it, which the hon. member who had seconded the motion, seemed willing to go: what that hon. member had said on the subject, had cast a melancholy gloom upon his mind; and he hoped that it was more from imagination than from information that he spoke: no man felt more the deplorable situation of the country than he did; but he did not think that the most effectual way to incline the enemy to a disposition towards a favourable and equitable peace, was to tell them that we were so completely reduced that no terms could be too hard for us to digest; that our resources were so dried up, that œconomy could scarcely enable us to bear up under the heavy burthen heaped upon our shoulders; nay, that parsimony could scarcely do it; and that hardly any thing short of avarice could save us from sinking; he himself was not sanguine in his hopes of finding great resources in this country; but he was not yet so desponding as to say, that he would not rather carry on the war still longer, than submit to a dishonourable peace: it was not, indeed, to be expected, that we could treat advantageously; but our situation was not so desperate, as that we ought to accept of dishonourable or unreasonable terms: before the provisional treaty with America, we had four powers to contend with; but as he must from the signing of the treaty pronounce the American war to be at an end, so he thought we ought to derive fresh courage, when we should be able to spend in operations against the three remaining hostile powers the four or five millions that used to be spent on the continent of America: for he thought that the provisional agreement, if it did not actually give us peace with America, would give us something so like a peace, that we might freely employ the troops now in America against the other powers.

The hon. seconder was not satisfied, it seemed, with the idea of subscribing to any terms of peace, merely for the sake of getting peace; but he consulted the durability of it, and seemed ready to sacrifice every thing in order to make it lasting: now, he was of a different opinion; for in making a disadvantageous peace, he would not for a moment think of its durability, but attend solely to the object of availing himself of the opportunity afforded by the cessation from hostilities, to cultivate the friendship of some of the great powers of Europe, and to make such alliances, as would enable him to go to war again with greater prospect of success. The hon. seconder, after praising the conduct of general Elliot and lord Howe, in their gallant defence and relief of Gibraltar, threw a gloom over the minds of all that heard him, by hinting at the possibility of this important fortress being about to be ceded to the enemy. He could not easily express how much he was struck with this alarming hint, and he hoped that in this he spoke merely from speculation, and not from authority; for the possession of that fortress and harbour was invaluable to this country, though some people of late affected to say, that it was of no

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farther use to us. In former wars its value was often felt; and if, in the present war, the old ministry had not been as dastardly as they were mad, perhaps all the calamities of this war might have been prevented. If a fleet had been stationed there in time to watch the Mediterranean, comte d'Estaign never could have got to America, to give that assistance to the colonies, which had since secured to them their independence: but the misfortune of this country was, to have ministers at that time, who, while they spoke in the most lordly terms to America, and insisted that she should be reduced to unconditional submission, were endeavouring to cajole the court of Spain; and refrained from sending out a formidable fleet to Gibraltar, because they conceived that the king of Spain would take umbrage at seeing a fleet in the Mediterranean: but had the measure been adopted, there would have been little reason to be apprehensive of any bad consequences from his resentment, for then we should have had it in our power to prevent the evil that a union of the fleets of France and Spain must always threaten this country with. To cajole an enemy was surely not the way in which a powerful and wise nation would seek their security. They would break their strength; they would crush their rising efforts; and a sagacious ministry would always employ Gibraltar in dividing France from France, Spain from Spain, and the one nation from the other. But though this measure was not adopted, from which the most solid advantages would have flowed, still it must be admitted, that even in the present war, Gibraltar had been of infinite use to this country, by the diversion of so considerable a part of the force of our enemies, which, employed elsewhere, might have greatly annoyed us. But, said the hon. member, "Spain having seen the folly of attempting to reduce that fortress, may never again be tempted to invest it, and therefore it may never again occasion a diversion of her force." This was a mode of reasoning that experience did not seem to justify; he had, in general, too great a respect for princes to speak lightly of them: but there might be near the heart of every prince a longing after something which could not be removed but by the possession of that something; a thousand disappointments might not be able to convince him that his longing could never be gratified. Those who knew the history of this country for the last nine years would be ready to agree with him, that it was not easy to convince men of their follies, even when they were proved to be so. We had in this country continued for eight years to war in America; and yet the misfortunes of each preceding campaign, which ought to have made us wiser, by convincing us that we were engaging in a ruinous pursuit of an object which we could never attain, had not till lately wrought that effect: and what should hinder us to think that the king of Spain might not persevere zealously in the longing for the reduction of Gibraltar, as a prince nearer home was taught to pant after the phantom of unconditional submission from America? The fortress of Gibraltar was to be ranked among the most important possessions of this country; it was that which gave us respect in the eyes of nations; it manifested our superiority, and gave us the means of obliging them by protection. Give up to Spain the fortress of Gibraltar, and the Mediterranean becomes to them a pool, a pond in which they can navigate at pleasure, and act without controul or check. Deprive yourselves of this station, and the states of Europe, who border on the Mediterranean, will no longer look to you for the maintenance of the free navigation of that sea; and having it no longer in your power to be useful, you cannot expect alliances. The hon. gentleman talks of the cession of this important fortress on a principle the most delusive. Because it is a possession dear to the enemy, the object of their ambition and their pride, he would yield it to them, as the means of preventing future wars. This was a maxim the most delusive that could be; and the hon. gentleman ought to know that generalities might in all cases be carried too far. If you govern yourselves by this maxim, there will be no end to cession, because there will be no end to desire. Ambition is a vice which grows like avarice, from what it feeds on; and the hon. gentleman must be strangely ignorant of the ambition, avarice, and lust of human governments, if he thinks that the possession of Gibraltar, because it is the immediate object of the court of Spain, would prevent them from forming new desires, which they would endeavour to gratify by new wars. If you teach them that war induces you to cession, there is not a doubt but they will go to war. The true



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policy, therefore, is to teach them, that you will not gratify passion so pursued; that you know there is no œconomy in cession; and that it is wiser and more for your interest to continue expensive wars, than by unwise and foolish concessions to purchase a temporary peace, neither safe nor honourable. The gentleman may talk of the durability of peace, says Mr. Fox, but I shall never think it wise to pay much regard to that prospect. The inconsistency, the weakness, and the passions of human governments will in all time continue to tear asunder the bands of civil concord; and no gratification, no accession, no dismemberment of empire, no good fortune, no calamity, will induce kings to sit down contented with what they have acquired, or patient under their loss, but after a little breathing time they will again rise into outrage, offence, and war.—In negociating a peace, therefore, he would rather stipulate for the advantages, than the durability of it, sensible that its duration must depend on contingencies not at all within his power to reach.

Having said so much on what the hon. gentleman had thrown out about Gibraltar, and the principle of concession, he would not take upon him to say, that in no possible situation the fortress of Gibraltar ought to be bartered or given up. But if, after all this, it should be determined to give up Gibraltar, he would advise ministers not to attempt to sink the value of it, but to rate it as high as it ought to be, and then make the best bargain that they could, either by getting the most money for it, or exchanging it for a valuable and adequate consideration. And here he would take an opportunity to express his hearty concurrence in that part of the Address which replied to the honourable mention made by his Majesty of the defence and relief of Gibraltar: the conduct of general Elliot would immortalize his name; and the latest posterity would be at a loss for which to admire the hero most, his gallantry in repelling the various attacks, or his humanity in saving from impending death the enemy he had defeated. He had combined qualities the most uncommon, and had risen almost superior to every precedent of reality. We could only seek for his image in the chronicles of romance, where heroes were painted in a stile of colouring superior to human nature. The noble lord who had relieved the garrison was almost above praise; in the sight of a superior force he threw relief into Gibraltar; and then, he would not say he had insulted, because he did not wish to use hard words, but he braved the united fleets of France and Spain. Could he do more? if any one in this House (said Mr. Fox, looking at governor Johnstone) thinks he could, let him speak out, and charge the noble lord. If there is any man who has accused him in public or in private circles, in anonymous slanders, or in pamphlet attacks,* let him now come forward and speak his sentiments. It was not in England only that the character of lord Howe was admired: a foreigner of distinction had written from Paris in the following terms: "Every one here is full of admiration at the conduct of lord Howe. All praise his bravery and humanity. All wish to take his conduct for their example. This makes us think, that in your country a court martial will be appointed to try him whenever he arrives in England." And here it was but decent to give that tribute of applause which was so justly due to the present Admiralty. He had often spoken in desponding terms of the state of the navy, when it was surrendered up by the last Admiralty; but desponding as his language was, it did not express half the despondency he then felt: what, then, must have been the exertions of the noble lord now at the head of the naval department of government, when he had fitted out a fleet that was able to brave the combined fleets, from which we used in preceding campaigns to fly? It had been the astonishment of Europe, and had given such advantages and brilliancy to the present campaign, as would and ought to be felt in the making of a peace.

He next touched upon the present cabinet, and observed, that though he disliked its construction, there were some of its constituent parts against which he could have no objection; for he knew that though one member of the cabinet might promise a great deal more than he intended to perform, there were others who would hold him to the performance of his promises. As to himself, he believed he really was of more service out of office, and debating in that House, than he could possibly have been if he had remained in the cabinet; for he found

* Alluding to a letter signed "Nauticus," supposed to be written by the person to whom he pointed.



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that those measures, which, while in office, he recommended in vain to the council, were readily adopted when he laid down his employments.

He was entirely of the opinion of the hon. seconder, that a peace was to be procured if possible; but surely the minister knew that he had the means of supporting war. The number of men which he found "riding in hackney coaches, crowding the streets, and travelling the Bath road," shewed him that the nation was not exhausted of resources, but had yet the means of supporting the war, in case our enemies should be disinclined to an honourable and fair peace. He was for peace in preference to war. It was not the policy of this nation to go to war for territory, from the lust of more dominion, or the love of power. He would be as moderate in his desire of new acquisitions, as he would be determined in his resolution to keep what we have.

He adverted to the reports of large voluntary gifts to government by private individuals. He said, he admitted and admired the public spirit and generosity of the persons who made the offers; but he begged leave to lay in his protest against their legality; and he conceived that the compliment paid to them in the Speech was ill-judged and improper. He conceived, that according to our constitution, no money could be received by the executive branch, and applied to the public purposes of the nation, which did not pass through the hands of parliament, and had not the sanction of the Commons of England. Such aids were contrary to the very essence of our constitution; for by such benevolences, government was entrusted with money which came not under the check and controul of parliament. This question had been agitated some time ago in that House, brought on by an eminent lawyer, now a member of the other House, and one of his Majesty's cabinet counsellors, (lord Ashburton) by whose arguments he was thoroughly convinced of the illegality of benevolences, and gave his vote on the question accordingly.

He hoped and believed, that the prospect held out in the Speech, of attention being to be paid to our East India concerns, would not be delusive. He deemed the national honour pledged in this business; and he trusted it was not intended by any sophistry to depart from the resolutions already come to concerning it. The learned Lord Advocate (Mr. Dundas) who had been indefatigable in pursuing this business, had received his countenance and support while in place, and he trusted that no change* in either of their situations would occasion any difference of sentiment and conduct. He assured ministers that he did not mean to give them any wanton opposition. He would support them as far as he could with honour and duty; and however he might object to the constitution of the administration, and however he might suspect the sincerity of some among them, yet he could not think that any thing very hostile to this country could be formed, while he saw in that cabinet some men of whose virtue and integrity he entertained so high an idea.

He concluded with taking notice of something that fell from Mr. Yorke, with respect to a reformation in the public offices, and the distress it would bring on individuals if their salaries were not continued during their lives. He was sure his hon. friend who first brought about these reformations did not mean that any person should suffer by them; that the intentions of his hon. friend had been greatly misrepresented in that particular; and if such cruelties were intended, they were to be ascribed to those who had the execution of the arrangements. He trusted that he should soon see the provisional articles laid upon the table; till which time he begged to be understood, that the vote which he gave on that day, he gave in the persuasion that those articles contained a full and final renunciation of the independence of America: and he begged also to be understood that he pledged himself to no other object than that, nor possessed any high opinion of the other parts of the Speech delivered from the throne.

Governor *Johnstone* said, he had no proposition to make, nor any amendment to suggest; he was unacquainted with party, and stood up to declare his single opinion on a point of the utmost importance to this nation. However other gentlemen might feel, he was not disposed to deliver up the dependence of America without a condition. He was much surprised that the honourable member who spoke last, should be sorry that his Majesty had expressed how strongly he felt

* Mr. Dundas had been recently appointed Treasurer of the Navy.

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the sacrifice he made to the opinion and wishes of his people, in giving way to the independence of America: there was nothing more natural, than that his Majesty should feel the greatest concern at the dismemberment of so considerable a part of his dominions; the colonies were planted by British subjects; they were cherished and fostered in the bosom of Britain; they were defended and maintained at the expence of her blood and treasure; and could it then be surprising that the breast of an amiable sovereign should feel a pang at the separation from so great a number of his subjects? The independence of America, he feared, was now so firmly established, that it would be difficult to withstand the recognition of it: but if he were asked by whom that independence had been established, he would not hesitate to answer—by the hon. member who spoke last. He did not know whether the Americans would erect a statue to him; but he did not believe that his countrymen would feel themselves under any obligations to him; for the independence of America must be the ruin of our West India islands. The hon. member seemed to rejoice that America was not to be reckoned any longer in the number of our enemies; but did he know that? Was he sure that their ships and privateers would be restrained from attacking our trade? If they were not, our commerce would be ruined; for if New-York was abandoned, and our men of war ordered away from the coast of America, he could not conceive, how our trade in the West Indies could be carried on. He had an objection to that part of the speech, from which it was easy to deduce, that the independence of America was granted, or to be granted; and his objection was this: this recognition of independence was to be approved of in the Address, as far as it was stated in the Speech: now he was an enemy to this mode of carrying so important a business through parliament by a sidewind: the independence of America was a subject of such moment to the people of Great Britain, that surely one day at least might be set apart for discussing that great question by itself, and taking the opinion of the people, whether they had rather agree to that measure, or prosecute the war. He denied that his Majesty was authorised by the resolution of that House in the last session: he must come to his parliament for their concurrence; the legislative authority of this country must not be flung away without the consent of that legislature; and therefore, he would pledge himself to no approbation of this provisional agreement until he saw what it was. As to Gibraltar, no one could go farther in praise of the gallant hero who had defended it than he would do; he had raised to himself, by his bravery, his zeal, his judgment, and his humanity, a monument that would last till time should be no more. Of the conduct of the noble lord, who had thrown succours into that fortress, he could not speak in the same terms of panegyric; the noble lord had deserved well of his country on many occasions, but his conduct on the last expedition did not come up to the opinion that had been entertained of him: in the business of the transports, there were accidents and misfortunes which he did not mean to impute to the noble lord; but in the affair of the engagement with the combined fleet, there was a circumstance, which he would boldly affirm to have been disgraceful to Great Britain; for the van of the British fleet, under the command of admiral Barrington, had put before the wind, and in the morning was four leagues to leeward of the fleet; did any man, who knew admiral Barrington, suppose that such an officer as he was, would have stirred an inch from the enemy, if he had not been ordered so to do? He would not impute even this directly to the fault of the commander in chief, for it was reported, that the frigate, which had carried his orders to admiral Barrington, had mistaken the orders, and instead of desiring the vice-admiral to sail two points nearer the wind, directed him to put before it; and thus that gallant officer was obliged to show his stern to the enemy:—at that time the Spanish admiral bore down within musquet-shot of the Ocean, and the French commodore, his second, had thrown himself between him and the Ocean, and afterwards got considerably to leeward of the latter; in this moment, when the enemy could not be said to have declined an action, the van division of the British fleet shewed their stern to the enemy, put before the wind, and in the morning, were four leagues to leeward of them: thus it was clear, that our ships made four feet to every one made by the enemy; could it therefore be possible, that our admiral could have declined all thoughts of an engagement, merely because he could not bring the enemy to action? with ships that

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sailed three times faster than the enemy, he could easily have come up with them. He did not know whether lord Howe's orders had been mistaken or not by the frigate; but certain it was, that admiral Barrington had received orders to take the course he shaped. As to a victory gained by us on that occasion, the idea was absurd, he had no conception of a victory, where ships or trophies had not been taken: the hon. member might sally forth from St. James's-street and break as many windows as he pleased, but he could not bring the sober, sedate, and thinking part of the community to believe that lord Howe was victorious, any more than they could now be brought to think that the 27th of July, 1778, was a proud day for England. But the gentlemen who were loudest in the praise of lord Keppel, who certainly had often signalized himself before, but not on the 27th of July, affected now to say, that the glorious victory on the 12th of April, was the mere effect of chance, and that Jamaica would have been lost, if the French admiral had not unnecessarily given our admiral battle, instead of pursuing his voyage to the Cape. It was well known however, that from the superiority of lord Rodney's ships in point of sailing, he must necessarily have come up, either with De Grasse's transports, or his men of war; in either case he would have defeated the object of the expedition, and saved Jamaica. In coming up with the men of war, he gained the victory by a new and bold manœuvre, of breaking through the enemy's line; and yet after this service he was recalled by a grateful administration.—He concluded with a few observations relative to the state of the coin, and advised a new coinage of silver, as the best way to prevent the practice of felonious coining; for when the temptation should have been removed, this practice would of course expire.

Mr. Secretary *Townshend* thanked the hon. gentleman (Mr. Fox), who, though he sat on the other side of the House; would still give him leave, he hoped, to call him his hon. friend. His conduct on that day would do him great credit with his country, in having so honourably declared his intentions of supporting, as far as he could, the measures of his Majesty's ministers, at a time when unanimity was so essential to our happiness. With respect to the circumstance to which the hon. gentleman alluded, of the construction of the administration, it was not, he said, perfectly consistent with the confidence which he expressed in them, at the end of his speech. What was there dangerous in the construction of the administration? That one part of them would profess more than they meant to perform; and that his reliance was, that there were some others whose honour and integrity would carry into execution the professions of the others. He could aver, that he had no reason to think that the person, to whom the hon. gentleman alluded, had acted with duplicity. He had, for the whole of the time that he had been in office, seen no one thing in that noble lord's conduct, which gave him reason to suspect the integrity of his professions: but he must, at the same time, inform the House that he had seen, from his correspondence with foreign states, that the reports industriously circulated of the duplicity of the noble lord had had a material effect on the continent, and had been the means of retarding the treaty with the Americans. The hon. gentleman had fairly said, that peace was the object which we ought to pursue with earnestness; this was the opinion of his Majesty and of his ministers, and he was sure that they would be indefatigable in the pursuit. That we could not expect to procure terms as advantageous as we might have done in the case of a triumphant and glorious war, must strike every one; but still he was of opinion, that the relative circumstances of the belligerent powers would entitle us to terms honourable, and such as every man must acknowledge to be advantageous. The last campaign, as the hon. gentleman had observed, was truly brilliant, and in particular the defence and relief of Gibraltar had exalted the military and naval glory of this country to an enviable pitch. An hon. gentleman had chosen to differ from the rest of mankind, with respect to the conduct of our fleet in that expedition. That his motives for his declarations were honourable, he made no doubt; that his opinions were sincere, he must also believe; but that he was the only man who arraigned the conduct of the noble admiral, was also true; and he must pay respect to the testimony which professional men, who saw his conduct, and to enemies who were generous and just, gave to his talents, skill, and spirit on that occasion. The hon. gentleman over the way had mentioned the testimony which one foreigner had given to the glorious conduct

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of lord Howe; and to this he could add, that, in his official correspondence, he found that foreign nations had looked on the conduct of the fleet of Britain, in the relief of Gibraltar, and in their interview with the combined fleets of France and Spain, so superior in number, with astonishment and admiration.

Captain *Keith Stewart* said, that as the conduct of the noble admiral who commanded the fleet in the expedition to the relief of the garrison of Gibraltar, had been attacked, he thought it his duty to give his public testimony to the bravery, skill, and behaviour of that noble lord. He was present, and had the clearest observation of his conduct through the whole of the voyage. In the case of the transports, he could assure the House, that it was a mere accident which had occasioned three or four of them running up into the Mediterranean, by their misapprehension of a signal in the time of the hurricane; and as to the whole of the noble lord's conduct in the case of the action, it was, in his opinion, great, manly, and brilliant.

Lord *North* rose and declared, that he had not the most distant inclination to oppose the Address, or move an amendment; he had no material objection to the terms of the motion, and it must be a very consequential amendment indeed, that could counterbalance, in his estimation, the advantages resulting from unanimity, at this most important crisis; he thought it of the last importance that they should lay their sentiments at the foot of the throne, without opposition or amendment. He should not have risen to offer his opinion on the present question at all, but that some things had been thrown out in the course of debate, by which he was personally affected, and there were some expressions in the proposed Address, that seemed to require explanation. With respect to the independency of America, he was free to acknowledge, that after the calamitous events of war, and the vote passed in the last session, he was not sanguine enough to hope a conclusion of the war on terms consistent with the future dependency of our colonies, but at the same time he could not think with the hon. gentleman (Mr. Fox) that a recognition of their independence should be made without an equivalent, nor could he assent to the proposition, that in such a dereliction of our claim to supremacy we gave no more than they already possessed. True it was, they had possession of a large territory, but we had garrisons there which must of course on such an admission be surrendered, and he should never think the formal final renunciation of our ancient right of sovereignty over that country, to be a cession of no value; he should rather think it an act of such consequence as not to be warranted without a very material consideration; without at least making it the price of peace. He also differed extremely with that hon. gentleman with respect to the heartfelt regret expressed by the sovereign on this unhappy dismemberment of the empire. Surely a heart filled with patriotic feelings like that of his Majesty, and most earnestly solicitous for the welfare of his people, could not but experience the deepest sorrow at an act so calamitous to this country. America was not only one of the brightest jewels in the crown, but the most important possession of the commerce of this country, and the royal sorrow was not the ebullition of personal grief for private suffering. The sensations of that royal personage were truly those of a patriot King, and he was assured that his Majesty felt himself much less interested in this sacrifice than his people.

His lordship then adverted to the treaty of peace now in agitation with the House of Bourbon; he was ready to believe that it might be disadvantageous for his Majesty's servants to state the difficulties now standing in the way of that treaty, and, if so, they were commendable for withholding them; when time was ripe for such a communication, he doubted not they would embrace the earliest opportunity of consulting the legislature; but, in the mean time, it might not be improper to declare, that he, for one, would not consent to any terms derogatory to the honour and interest of this country. Certainly, our situation was to be regarded, but that of our enemies should also be taken into the account, and such terms agreed on, as, from the general relative situation of the contending powers, were on all sides just and reasonable. To terms of peace, formed upon such a system, he would readily and cheerfully assent, but should France or Spain be arrogant and unjust in their demands, as he had heard it whispered they were, should they require advantages, to which neither by justice nor the event of war they were entitled, he trusted the nation at large would

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unanimously concur in prosecuting the war with vigour. He wished ministers, therefore, to understand most explicitly on what terms they were likely to find unanimous support; it would be found either in an honourable peace, such as our situation entitled us to expect, or in a vigorous war. In regard to the cession of Gibraltar, he would not go so far as to assert that that fortress ought in no possible case to be given up. If a peace could no otherwise be obtained, he would not positively say that such a sacrifice ought not to be made, but this he must beg leave to say, that the price of it should be a large one, and that ministers would be totally unjustifiable in resigning a post so honourable, so dear, and so useful to this country, except they get an equivalent. He believed, there were few things in the possession of Spain that could form an adequate compensation for the loss of Gibraltar; she might indeed give territory infinitely more extensive, and of more intrinsic value; but could she give any other impenetrable fortress? Let ministers recollect, that this post was now clearly proved an invulnerable one, and consider where we could get another of the same quality. Let it also be considered how extremely solicitous the court of Spain was to obtain it.

His lordship also adverted to the affairs in the East and West Indies, and threw out some hints to administration on the settlement of our interests in those quarters, should a treaty of peace be concluded. France, he said, would not, in his opinion, chuse to treat on the footing of the *uti possidetis*. It was true we had lost some islands in the West Indies, but we had taken St. Lucia, which was an eye sore to the French islands; we had also dispossessed them of their settlements connected with their fisheries on the banks of Newfoundland, and stripped them of all their continental posts in India: he did not know, therefore, but a treaty on the footing of exchange might be most beneficial to France, and possibly for all parties. An hon. gentleman had said, that the acceding to the provisional terms took America off our hands, and left us but France, Spain, and Holland, to contend with. He wished sincerely that such might prove to be the fact, but he could not regard it as extremely probable. Impossible as it was for him to enter upon a discussion of terms, with the nature and extent of which his Majesty's ministers had not acquainted the House, he could not argue in what manner America could be considered as no longer engaged in a war with us, when she had declared, she could make no definitive peace till France had agreed upon the terms. He was in hopes ministers had proceeded with a treaty for a general peace; as that was not the case, he feared this country had tied herself down to make a cession of considerable importance, whenever the war should be brought to a conclusion, without having any equivalent concession on the part of any other of the belligerent powers. A matter far different in his idea from the description given it by the hon. gentleman to whom he had alluded, who had called the acknowledgement of the independence of America a matter little short of a present peace with America.

His lordship cautioned administration against concluding a peace from timid or desponding principles, or on any terms worse than our situation, fairly considered, rendered necessary. We have heard, said he, of suspicions and jealousies; we have been told that a noble lord high in office is suspected as to his sincerity by the belligerent powers, and that their opinion of him has retarded the conclusion of peace: but let it go forth to the whole world, not as the sentiments of one individual, or one set of men, but of every man within this House, and of the nation at large, that in the question between France and us there is no difference of opinion amongst us. We are unanimous in demanding an honourable peace or a vigorous war; we will treat with our enemies on fair, equitable terms, but no other; and if they, in the hour of insolence or imaginary power, exact degrading, or hard conditions of peace, we are determined to prosecute war to the utmost, with our lives and fortunes. In the moment, however, that a speedy peace was, and must be the general wish of that House, he begged leave to remind them that we were in a state of actual war, and that every proceeding in parliament, however directed towards the furtherance of a treaty of pacification, ought to be grounded on the circumstance of our being yet at war; since the only probable means of bringing that war to a safe, a happy, and an honourable issue, was to assure his Majesty, and by that assurance to convince the world, that the parliament of Great Britain were determined to stand by their sovereign, and support him at all hazards, sooner than

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accede to any terms of pacification that were in the least degree disgraceful or dishonourable. With regard to the provisional articles that had been agreed upon with America, the matter did not appear to him altogether in the same point of view in which it was evident it had struck others. It put us not into any precise situation, either of war or peace; and this to him was neither agreeable, nor auspicious.

It was a little extraordinary that the same hon. gentleman (Mr. Fox) who had always represented the state of our naval power as wretched and alarming to the well wishers of this country, and who had, when he came into administration some months ago, drawn a picture of our national defence in that House sufficient to make every man tremble, should now stoutly affirm, that we had a navy able to cope with the united fleets of the House of Bourbon; and that so wonderful a difference should be effected merely by a change in the Admiralty department! All the advantages we had obtained, even the glorious victory of lord Rodney, was owing to the present first lord of the Admiralty! He must beg leave to remind the hon. gentleman that it was late in the month of March (he had some reason to remember the time) when the happy change in administration took place. On the 12th of April our memorable victory in the West Indies was obtained; surely that success could not be claimed hy the present board of Admiralty! that it was owing, under Providence, chiefly to the valour and conduct of our brave commanders and seamen. He had no doubt it was true, we had a fleet more numerous and better appointed than that of the enemy, though the hon. gentleman had much about the same time asserted, we were not able to face the House of Bourbon, in any quarter of the globe, and since that fortunate event we had risen in the scale of maritime power. Surely it was in a great measure owing to that cause, for of 34 ships of the line under Count de Grasse on that memorable day, 8 had been taken, 3 had afterwards foundered at sea, and 2 were for ever disabled; 9 more of their ships had been obliged to return to Europe for repairs, and 12 were now repairing in Boston harbour in a miserable situation. But it had been said, that great diligence had been used in fitting out new ships. He did not doubt it; but by what means could so great an addition be made to our navy in one summer, as ships could not spring up like mushrooms in a night, unless the former Admiralty, by their preparations of ships and stores, had led the way to it? He wished to detract from the merited commendation of no man, but only that praise should not be misplaced. He would say to the present naval Alexander, "True, you have conquered; but you have conquered with Philip's troops."

The hon. gentleman had said, that we gave away nothing, in granting the independence of America. He, for his part, thought the solemn avowal of that independence, on the part of Great Britain, a very melancholy matter; and he hoped, when the provisional terms upon which it had been conceded were laid before parliament, it would appear that administration had taken care to mark out proper boundaries, agreed upon between Great Britain and America, so that this country might derive some advantages from her remaining possessions on the American continent. Charles-town, the Savannah, and New-York, he took it for granted, were already evacuated; care ought therefore to be taken to prevent the American army from turning its force upon Canada: and if we had tied ourselves down to certain terms tending towards a peace with America, he hoped something had been done to prevent our having granted more than we obtained, or given away what we should find we ought not to have parted with.

With regard to the enormous size of the national debt, undoubtedly it was an object worthy of attention, and the sooner it was lessened the better; but no debt, no distresses, ought to induce us to accede to a peace, the terms of which were unreasonable or improper in our present situation. It had, he knew, been hinted, that France had made exorbitant and unjust demands. In negociating peace, it behoved ministers, not merely to look at our own distresses; they ought to examine and compare the respective situations of each country, and from a well-digested balance of the state of each, to form the grounds of treaty. The success of the last campaign had been great and glorious: it was now evident, we were nearly, if not quite, upon a footing with the enemy at sea every where. Without entering minutely into the discussion of the conduct of the noble lord lately sent into the Mediterranean, considering the spirit and

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bravery of the French and Spanish officers and men, it was evident that the Spanish ships had some internal weakness or defect, or a superior force of such enemies would never have avoided battle with one that was inferior. Spain, every body knew, was driven to the last extremity to raise supplies. America had no money; she had tried the paper scheme till it had died away, and proved of no avail: she had at last been driven to the only probable resource, and attempted to raise money by taxes; that attempt had wholly failed: and France was herself greatly distressed indeed. Holland had proved an inconsiderable enemy, nor was Holland likely to do us much serious mischief. All these circumstances were to be taken into the consideration of ministers in the treaty now going forward; and to this they were to add, that we ourselves were not come to the end of our resources; nor so dejected in our minds, as to fear the continuance of war, if war was necessary. Above all things he trusted, that in the provisional agreement with America, care had been taken to provide an asylum for the loyal and unhappy people, who, in all this long struggle, had continued faithful to their sovereign, and had consequently incurred the censure of their countrymen, and had been driven from their fortunes. He had no doubt but an agreement was made, by which an adequate provision was to be made for these people. He observed, that the minister was charged with having done that which he had previously declared would ruin the empire, and cause "the sun of our glory to set for ever." This, he said, was not fair: it was not to be charged to the earl of Shelburne, but to themselves; for if the sun of Britain was set, the House of Commons was the magician who had brought it down from the skies.

His lordship also noticed what Mr. Fox had said respecting his ideas of the legality of subscribing sums for the use of government. He quoted lord Hardwicke, to prove that that great lawyer had decisively declared it was perfectly legal: his lordship added, that he had ever thought so, but at the same time he agreed, that the expenditure ought to be accounted for to that House, as much as the expenditure of any other public money. He laughed at the idea of calling it ship-money, and shewed, that what had been formerly so termed, was not illegal, because of its application to the building of ships, but because it had been forced from the subjects by the privy council, without the consent and concurrence of that House. He explained also the nature of what had been falsely termed benevolences. Benevolences, such as we had formerly heard of, were illegal, because they were not benevolences. If they had been voluntary, instead of being extorted, they would have been perfectly constitutional; for it was the indisputable doctrine of the constitution, that no money should be taken from the pocket of the subject without his consent; but with his consent, given either by his representatives or himself, nothing could be more clearly constitutional. He declared, that voluntary gifts to government, such as one he had heard mentioned, though from its size it might remain unexampled in a century, did the donor the highest honour, and might be productive of the best consequences, as all public subscriptions of individuals ever were. To prove this, his lordship instanced the case of France, after the treaty of Gertruydenberg, and said, it might happen that the government of this country, in consequence of extraordinary calamity and ill-success, should find itself obliged to apply to the people; in which case, the liberal subscriptions of the higher gentry would operate most beneficially, by causing the poorer ranks of the people to bear with cheerfulness the burthens necessarily imposed upon them. For these reasons, he hoped, that no notions of refined speculation upon the constitutionality of the practice would be dwelt and reasoned upon, since it could answer no good end, but might damp that noble spirit of generous and hearty support of government, which by shewing that the people were zealous in the cause of their country, was the best means of convincing our enemies of the little ground there was for them to hope bp perseverance to drive us into humilation and despondency. After descanting on these porticulars, his lordship desired that, in not opposing the Address, he might not be hereafter deemed liable to the charge of having, by his assent that day, precluded himself from objecting to the particulars of the provisional terms with America, should they appear to him objectionable.

Mr. Chancellor *Pitt* set out with saying that there were several things unfortunate in his situation on that day, but the calamity under which he chiefly laboured

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was his youth; a calamity which he could not sufficiently lament, as it had been made the subject of animadversion by the hon. gentleman on the other side. His youth he allowed was very exceptionable to that situation, yet he trusted the system of his conduct, and his strict discharge of the duties of his high office, would in a great measure make away what he felt himself to be an objection, but which he pledged himself, would be as amply as possible provided for, by his assiduity, and faithful observance of the real interests of his country, which should ever be his first object.

An observation had been made on the wording of the Address in the first paragraph, as if it conveyed to the public an insinuation, that all that was said to have been done, had been done since the last session. The hon. gentleman seemed particularly eager to take to himself the credit of having begun the measures, and set on foot the system which his Majesty's present ministers had so eagerly pursued. There was no doubt but the hon. gentleman and his friends had begun many of the reforms which were now pursuing, and there was also no doubt but that when the House came to have the information before them of the measures which had been pursued in the course of the summer, they would find that much more had been done than was projected by the hon. gentleman. He did not conceive the gentleman had ground for such a suspicion; nor did he hesitate to declare, that ministers would prove themselves faithfully attentive to the discharge of the duties of their situations, and consistent in every measure of their conduct, notwithstanding the charge brought by the hon. gentleman against a member of it, whose peculiar attention to business, and candour and propriety since he had the honour of acting with him, in his opinion rendered him not at all liable to the charges preferred by the hon. gentleman against him for duplicity, and a tendency to make professions which he did not mean to perform. The gentlemen, he said, in the midst of whom he then stood, could give the same testimony of the noble lord, that he did, and he would, as a proof of his reliance on the purity of his principles, take upon himself there, solemnly to pledge himself, so confident was he of the integrity of the noble lord's intention, that he never would act with or in any capacity or situation co-operate with that man, whose actions were not equal to his professions. This he pledged himself solemnly, as a man of honour, as a man whose conduct hitherto he had reason to flatter himself did in no degree give an opportunity to think otherwise of him than as one whose character was dear to him, and whose little share of early public opinion he would on no account whatever forfeit.

As those, then, were his professed principles, he would wish the hon. gentleman, the House, and the public in general, to believe, that if a period should come, when the noble lord should be found inattentive to the performance of any of his professions, that that instant his connection with him was at an end, and he would never after be found to act with him in a public capacity, or hold with him the least intercourse of private friendship. With respect to the praise which the hon. gentleman affected to give a part of the ministry, where he talked of the dangerous construction of the whole, he would be bold to answer for the honesty of the whole; and notwithstanding the strange mixture of professions without integrity, and integrity without profession, which he branded them with, he would insist that they deserved confidence in the whole.

He was not at all inclined to follow the hon. gentleman through the whole of what he had said, because a great part of it was observation, which he could not avoid thinking desultory and inconsistent. The hon. gentleman had abilities which he very much respected, and on that day he had made a brilliant display of them; but the arguments he had advanced, and the advice he had given, were not delivered with that clearness and precision which were usual with him. There were inconsistencies which he knew not how to reconcile, and from which he knew not how to profit. At the same time his speech had shewn a brilliant display of talents, the more wonderful, as the speech of his Majesty had furnished him with so few opportunities of objection and dissent. If he might be suffered to attempt a parody on the lines which the hon. gentleman had quoted, he should say,

> The praise he gives us in his nature's spite,
> He wishes we were wrong, but clearly sees we're right.

It was by no means his intention to say, that the hon. gentleman was insincere in the professions he had made, of not meaning to oppose ministers, in cases where they had copied his own plans; but speak-



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ing from the situation in which he had placed himself, and remembering that what he said had a considerable weight in that House, and in the nation, he desired that his language might be correctly examined, and clearly understood.

He then spoke of the events and conduct of the campaign in terms of applause and triumph. The defence of Gibraltar was one of those astonishing instances of British valour, discipline, military skill, and humanity, that no age or country could produce an example of. The destruction of our enemies, and their preservation in the peculiar instance of Gibraltar, could never be equalled, and would be received by posterity with an increase of glory to the English name, whilst the name of Eliott would be transmitted with superior lustre among the list of heroes. Here he proceeded to pronounce an elegant panegyric on the general, and was equally the advocate of lord Howe's professional merit and distinguished conduct in every situation his duty called him. An hon. gentleman had chosen, with great violence, to arraign the conduct of the noble admiral employed in the service of the relief of Gibraltar; yet the defence and relief of that fortress would be the subject of all men's praise, except that gentleman's, to the end of time. The world would pay respect to the testimonies of men, unbiassed by personal motives, and to the reports of professional men who were present, and had opportunities of judging from the conviction of their own senses; he said he would adopt the hon. gentleman's words, with respect to lord Rodney, as very applicable to the noble lord in question, "that he had his enviers." He had every reason to approve of the manner in which the noble lord (North) had delivered his sentiments. He had fairly stated the benefit of unanimity in the present hour, and had paid proper and becoming attention to the circumstances of the nation, in forming his ideas of what we ought to expect, and what we must trust to in the peace to be concluded. That we must in our negociation with the enemy take into view the relative circumstances of the belligerent powers, and that concessions and sacrifices must be made agreeable to them was clear, beyond all question; and therefore he must assert that what Mr. Fox had advanced with respect to the general propositions being carried too far, and that cession, if not strictly limited, would be highly unjustifiable,—all this, he said, was not strictly consistent with what he had heard some time ago advanced in that House, when it was said, that hardly any peace could be a bad one in our present circumstances. Now, however, language was altered, and it was said that cession might be carried too far.

His Majesty's ministers were uncertain what would be the event; but he trusted every thing was in a forward train. It was the nearest wish of his heart to see an honourable and lasting peace; and whatever councils his situation obliged him to give, as being one of the king's counsellors, though he was conscious his youth and inexperience rendered it rather too much for him to oppose, or give his opinions among those of transcendent abilities and experience, his advice always did and would tend to that desirable object. At the same time, if the dispositions of his sovereign were frustrated by any extravagant demands, he would also presume to advise a perseverance in the war: on the principle, notwithstanding the ruinous expence that attended its progress hitherto, that the relative situations of our enemies, as well as the events of the campaign, entitled us to demand such terms as were consistent with the superiority we still maintained.

The noble lord desired, that he might not be considered as pledged to the approbation of the provisional articles. Ministers by no means intended that any man, in agreeing to the Address, should be bound to the approbation of those articles. They wished gentlemen to be bound to no more than what the letter and evident meaning of the Address went to, which was to thank his Majesty for having concluded an agreement, by which the American question, that stood in the way of a negociation with the belligerent powers, was removed, and the road cleared to a treaty for a general and honourable peace. Those provisional articles could not in their nature be immediately laid before parliament; gentlemen would see the importance of the object on which ministers were now employed; but he had the assurance that they would be laid before the House in the course of a few days, when parliament would have an opportunity of deciding on the conduct of his Majesty's ministers. In the mean time they wished that their conduct might be particularly enquired into. They desired that every paragraph and sentence

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of the Address might be examined, that gentlemen from every side of the House would deliver their sentiments on the matter, and he assured them that the sentiments of the House would be collected, and their sense be paid that respect to, which it always deserved.

Mr. *Burke* said, he did not mean to propose any amendment to the Address, although he was not over and above pleased with the Speech. The Chancellor of the Exchequer had lamented many things, which he said to be calamitous in his situation, and among other things, very much to his astonishment, he had lamented his youth. He could not see the necessity for such lamentations, as he very sincerely believed the nation would have little cause to join in them on that score, and he wished to heaven they could confide as fully and implicitly in the honour of other members of the administration, as they could in that of the young Chancellor of the Exchequer. The hon. gentleman, in a very animated style, charged the Speech from the throne with a species of delusion and insinuation, which he conceived to be of a very dangerous nature. His Majesty was made to say, that he had sacrificed his own considerations, not to the necessity of the case, but to the advice of his parliament, and by this means the whole of the consequences which were said to be apprehended from their want of monarchy, were flung in the teeth of parliament.

This he conceived to be an instance of the duplicity of the minister, extremely consistent with the general tenor of his conduct. There was something in this, neither manly nor generous. It was a little, low, left-handed policy which the Americans would despise, and which no nation would respect. It was making his Majesty do that with sheepishness which he might have done with grace. It was, in fact, to make him say, that he did it against wisdom, against good sense, against necessity, against policy, in constrained obedience to the advice of an ill-judging House of Commons. Such was the language which ministers had put into the mouth of their sovereign; and such was the respect which they had paid to that House! The calamities of the war were not taken into the account; the circumstances of the country; the impossibility of acting otherways were all overlooked; and it was charged upon that House alone. Oh, the mean, short-sighted wisdom of such a mode of proceeding! How must surrounding nations feel, when they see the King of Great Britain made to speak in such a strain! instead of coming forward with dignity, to yield to the necessity which the madness of former ministers had imposed, he was taught to whine, and ascribe to a resolution of the House of Commons, what was clearly the hand of Providence, in a severe punishment of our conduct. Then he was made to fall upon his knees to deprecate the wrath of heaven, and pray that this misguided people may not suffer the consequences of the want of monarchy. Monarchy was made the subject of his Majesty's most earnest prayers; and this people, who never were designed by heaven for monarchy—who were in their natures adverse to monarchy—who never had any other than the smell of monarchy, at the distance of 3,000 miles—were now to be guarded by the prayers of the King of Great Britain, from the consequences of that loss, which, through a resolution of the House of Commons, they had incurred! He dwelt on this idea with great energy, and argued, that it would have been wise, and proper, to have talked in such a moment, not in a whimpering stile of affected and unmeaning piety—for nothing could be so unmeaning, as prayers of such a nature—but in a generous and manly stile, by which the American people would have been led to believe that we were really cured of our follies, and were brought at last to think and act like men.

He adverted particularly to the observations which had been made on the concessions as the price of peace. He said, he detested generalities. There was no arguing from propositions that had no latitude; and therefore, the language of the hon. gentleman who seconded the motion, whatever good purpose it might answer, in feeling the pulse of the House, could hardly be brought to the test of argument and examination. With respect to Gibraltar, which he had particularly hinted at, he hoped the arguments which had been so powerfully urged would shew ministers that they must not dare to sport with the feelings of the nation, in regard to an object so justly dear to them. The fortress of Gibraltar was invaluable, because impregnable. No other post which the Spaniards could give us had that recommendation; and as a post of war, a post of power, a post of commerce, a post which made us valuable to our friends and dreadful to our enemies; that which gave us

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the command in the district of ocean where it lay; that which was the incontestible evidence of our pre-eminence and power; that of all other places was what we ought with the most religious determination to maintain. He averred, that the king of Spain had not an appendage to his crown, which he could give, equal to Gibraltar. The capitals of Peru and Mexico were out of the question. An unclothed territory could not be equal to this rock. If they were to offer, as he had no doubt but they would, the island of Porto Rico for it, it was not an adequate compensation; and he warned men against being cheated by the idea of an extensive, rich, and profitable territory being given in exchange for a bare rock. Porto Rico was in every sense of the word an unclothed territory. All the wealth of Spain had not been equal to its cultivation; and we had a sufficient evidence in our own islands of the difficulty and expence of cultivating a territory. The Grenadas, though their value had been so much and so wildly extolled on their acquisition, were not yet more than one half clothed, and they had not paid the expence they had incurred. But besides this material circumstance, the great and solid advantage of Gibraltar was, that it gave us an indisputable command in a most important sea; by which the nations of Europe would covet our assistance, for which they would become our allies, and by which we might be able to render the family compact a delusive and an useless thing. Such were the advantages to be obtained from the fortress of Gibraltar; and therefore it was something more than what the hon. gentleman had called it, a post of pride, or a post of honour; it was a post of power; a post of superiority; a post of connection; and a post of commerce.

With regard to the manner in which the minister had, in the course of this summer, proceeded to carry into effect the plan of reform which he had the honour to propose to that House, and which had been carried into law, he disclaimed all pretensions to any share of the merit of it. Their manner was entirely their own; and he would take upon him to say, that it was as mean and inhuman, as his was public and generous. He had aimed only at the destruction of parliamentary influence, and of sinecures for parliamentary men; but they had aimed their blows at poor inferior officers of twenty, thirty, and forty pounds a year, which was all their dependence and support, after a life of service for themselves and their families. He meant to disturb no individual in his possession; his œconomy was gentle as well as systematic, and was calculated for permanency as well as use. He concluded with saying, that though he by no means approved of many parts of the speech, and thought it on the whole a collection of unmeaning professions and of undeserved self-praises, yet he would not disturb the union of the day, by proposing any amendment; but would content himself with declaring, that he thanked his Majesty for having concluded a provisional agreement, by which we had at last got rid of the American war, reserving to himself at the same time his freedom to disapprove of that provisional agreement, if he should think it faulty.

The Address was agreed to *nem. con.*

Dec. 6. The report of the Address being brought up,

Mr. *Fox* took that opportunity of saying, that a doubt struck him, as well as others, with respect to one thing, which he hoped his Majesty's ministers would now explain, if they could do it consistently. The question which he wished to ask was, Whether the provisional treaty concluded with America, by which the independence of America was no doubt fully recognized, was done unconditionally; so that if the negociations now carrying forward with France for a general peace, should not be brought to a speedy determination, still the provisional agreement would remain in force, and whenever we should have a peace with the European powers, this agreement would be finally ratified? If this was the case, he approved of the vote which he had given; but if it was otherwise, if this provisional treaty depended on the present negociation, and was to die with it, then he revoked the approbation which he had given, and held himself at liberty to declare that such an agreement would be mad and impolitic. We should, by that means, have nothing in the shape of peace with America, but should go on in eternal war. This was his clear, decided opinion, and he should retract every syllable of praise he had given to the measure if he found it had been done in this way. His reason for asking this question was, that he had heard a different explanation had been given of the provisional articles in another place, and it was a matter of the

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utmost moment that it should be clearly and fully understood before they ratified their consent to the Address.—One thing more he would take notice of now that he was upon his legs. It had been said of him in the debate yesterday, that he had always been a friend to the independence of America. This was not the case. He had all along considered the independence of America as an evil of great magnitude, and as such he had always spoken of it. But when America became independent, which in his mind she had been absolutely for the last five years, he had declared his wishes for the recognition of their independence as an act salutary and seasonable for the legislature of this country, by which we might do that with grace which we must at last do without it, and thereby restore harmony between the two countries.

Mr. Secretary *Townshend* said, that the provisional articles concluded with the Americans, were stated both in the King's speech, and in his letter to the governors of the Bank, to be intended to take place whenever a treaty of peace should be concluded with the belligerent powers. There was surely no equivocation in the wording of the Speech, by which parliament could be deceived.

Mr. Chancellor *Pitt* said, that the clear indisputable meaning of the provisional agreements made with the American commissioners, was the unqualified recognition of their independence. This made one of the articles, and it was to be inserted in the treaty to be made with the belligerent powers, whenever that treaty should take place. He was anxious that the House should clearly understand the matter of this important fact, that it might not be imagined that there was any deceit of any kind lurking beneath the language which had been used. As he conceived he was the person alluded to by the hon. gentleman, who had complained of having been misunderstood and misrepresented, he thought in justice to himself, that he should declare, he never charged the hon. gentleman with having argued, that the independence of America was a thing in itself good or desirable for this country, and that, because he never had so understood him to argue; but he had thought it fair to advert to the arguments of that hon. gentleman on former occasions respecting the independence of America, as a justification of ministers from the charge of reluctance to come to a recognition of that independence.

Mr. *Hammet* reprobated the language of gloom and despondency, which he had heard the preceding day. We had beat the French into the West Indies, baffled them in the East, and disgraced them in Europe. As to the funds and resources of this country, he was convinced, that rather than submit to the cession of Gibraltar, or any other very ignominious terms, the people of this country would carry on the war for 10 years, and spend 200 millions more, of which he had no doubt of resources in a just and righteous cause. At least he maintained, the holding a contrary language, was neither wise nor political, neither was it the way to obtain the best terms in our present situation. He reprobated the original cause of the war, which rendered the separation of America necessary; said, he wished for peace and friendship with them, but repeated it, that he would rather continue the war against France, Spain and Holland, another campaign, than submit to give up the honour and just rights of this country. His professional habits and knowledge of the resources of this country, gave him a right to say what he had done.

Mr. *Powys* thanked the Chancellor of the Exchequer for having eased his mind of a load of trouble; he was free to confess, that from what he had heard to have been said by another person, in another place (lord Shelburne in the House of Lords) he had not been without his dread that the independence of America was not irrevocably fixed on. He would just state to what he intended he should stand pledged, by his vote of assent to the Address—to support ministers against France, Spain, Holland, or any European enemy whatever, and even against America as the ally of France; but he took it now for granted, that the object for which the war had been originally undertaken, the subjugation of America, was now renounced for ever.

Mr. *Burke* called the attention of the House to a most ingenious and forcible commentary on the Speech of the King's ministers, as delivered from the throne. He confessed that he had his suspicions; that he had from the beginning entertained his doubts, and they had been rendered stronger by what had been said in another place. He saw that the language of the Speech was guarded with the most insidious perplexity of expression, and that it contained words which might be construed to mean either an absolute, uncon-

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ditional, renunciation of dependence, or a conditional temporary offer of independence, to be revoked in certain circumstances. He had mentioned his doubts the day before, and he repeated them now. With respect to the Chancellor of the Exchequer, he had a high opinion of his character and integrity; and if he were to trust to the words of men, his explanation would be to him full and sufficient. But the speech spoke a language so strange and contradictory, so full of ridiculous and absurd professions, along with such an incredible number of promises and boasts, that he declared, if he might be permitted to speak of it as it deserved, he should call it a farrago of hypocrisies and nonsense. If he might be allowed to apply to it the words of Hudibras, he should say, that the minister had made the King speak

"As if hypocrisy and nonsense
"Had got the advowson of his conscience."

The hon. member indulged himself with a free commentary on the text of the Speech, taking the several passages in succession. He did this in a vein of wit, argument, and satire, so finely blended and so strongly carried on, that the House was kept in a burst of laughter the whole time. He animadverted again on the artful manner in which ministers had taken care to throw upon parliament the whole of the measure of the recognition of the independence of America. His Majesty had done this thing, not because it was wise, not because it was proper, not because it was necessary; but because the parliament had advised it, and in the spirit of most unseasonable piety, and most unwise, because insincere, devotion, he was made to fall upon his knees to deprecate the consequences likely to result to America from the want of monarchy. He reprobated all this because it was unwise, and because it must produce a ridiculous effect among all sensible and thinking nations. He had heard of a form of prayer in churches, but this was the first form of prayer he had ever met with in a king's Speech: it was, he declared, nothing more than a piece of hypocritical cant played off at the expence of parliament. That the independence of America was recognized unconditionally in the provisional articles, was, a fact, which the words of the minister's Speech by no construction of grammar, by no fair meaning of phrase, could, he asserted, be proved to communicate. As therefore it was known that in another place a very different sense of the manner in which the independence of America had been recognised in the provisional articles, had been declared by one of his Majesty's servants, and as it was known that there were such things as divisions in cabinets, and that those ministers who could be brought to say one and the same thing in one particular place, spoke of it very differently elsewhere, that House was warranted in entertaining suspicions of duplicity and delusion in the present very important matter. If the whole of the doubt rested on the word of the right hon. gentleman at the head of the Exchequer (of whose virtue, integrity, and honour, he entertained the highest opinion,) his mind would be perfectly satisfied with the declaration that right hon. gentleman had just made; but circumstanced as the doubt was, considering by whom the Speech was penned, (for he would venture to say it was not penned by his right hon. young friend,) there was every reason in the world for that House to observe to what they pledged their support; more especially where the whole blame of the consequence was directly laid at the door of parliament. Having said this, Mr. Burke proceeded to comment on the Speech, and read that passage in which his Majesty declares he had sacrificed every consideration of his own to the wishes of his people. He dwelt for some time on the word consideration, and asked what the minister meant, by making his Majesty declare, he had considerations separate from the wishes of his people? Such an idea was, he said, equally new, unconstitutional, and improper. He next proceeded to the part in which his Majesty was made to rejoice in the extraordinary readiness, and public spirit shewn by his subjects; and particularly by the people of the good city of London.

Upon this Mr. Burke contended, that it was all a piece of delusion; that one hon. baronet had, like the phœnix that was seen but once in a century, made a most liberal offer,* and that offer was here insinuated to be many, with a view to make more people tender voluntary gifts. In fact, the offer of the hon. baronet was the only one thing that had been done; for as to the offer made by the county of Suffolk, it was so cautiously guarded that

* Sir James Lowther, who had in the course of the summer, made a present of a seventy-four gun ship to government.

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there was not any prospect of their ship; it was not to be built until twelve other counties;—a jury of counties—should do the same. Ministers acted in the manner as he had heard of a practice in some of the religious houses, who appointed thanksgiving, and poured their blessings on the people; particularly when they failed to bestow on them their usual gifts, that they might remind them of their duty, and shew them into what grateful hands they would pour their wealth. He was extremely pleasant on the idea of the phœnix expiring amidst her own odours; and in order to prove the position he had laid down, asked which of the subjects in the city of London had offered to build ships for government? The nation that could raise millions, was to go about to beg for charity from individuals; and from this charity, the navy of England was to be restored. Wretched politicians! they were like the man who held a farthing candle to the sun, or like him who spit into the ocean, to increase its waters. Benevolences in former ages were indeed of a different nature: in queen Elizabeth's reign, the whole navy of England did not cost the nation, annually, more than the trifling sum of 40,000*l.* the public revenue did not exceed 300,000*l.* So that in that time, when the revenue was low, and individuals rich, because not loaded with taxes, it was not improper to apply to wealthy individuals, who could easily fit out a parcel of such men of war as were used in those days; but which could not compare with our smallest frigates at present. He was the more surprised at finding benevolences so praised in a Speech, which he was justified in looking upon, as the production of a cabinet, in which sat a learned lord, who, while he was a commoner, had moved to resolve that such benevolences were illegal.

"Men of all professions were to be rewarded." This he took to be a bait, particularly for such gentlemen in that House as wore black gowns; it was directly fishing for black gowns; they might see a proof of it, in that one of their corps had been raised to a peerage, and complimented with a pension of 4,000*l.* per annum: another, (the Lord Advocate) a very able man indeed, had been put into a very comfortable office; the two last Solicitors General remained still unrewarded; but they and others might take a hint from this, how they might obtain proper rewards.

"It is the first object of my heart to make the general good, and the true spirit of the constitution, the invariable rule of my conduct." O! the noble discovery! O wise ministers! *Dii tibi tonsorem donent*, to all except one who has no occasion for one (Mr. W. Pitt.) What business could there have been for professing that they would do that, which if they had omitted to do, they would have exposed themselves to the most heavy punishment? The Speech, from beginning to end, was full of the most unmeaning self-applauses, that ever he met with.

"It is the first object of my heart to make the general good the invariable rule of my conduct." What an admirable piece of egotism! There was a bad taste in this writing; it had neither chastity nor propriety of style. His Majesty's ministers come gravely forth, and inform parliament, that they are determined to do that, which, if they did not do, they would be impeached. He professed he was at a loss to determine in his mind whether the ministers meant by these expressions, an insult or a mockery of parliament, or whether they meant both. But his Majesty was made his own historiographer, and he gave us in this very curious Speech, a narrative of his proceedings during the recess. He supposed that this was to be considered as one of the œconomical reforms of the new ministry; for as the place of historiographer to the King was one of those abolished by the late Bill, they had given that duty to his Majesty himself; and the office of the poet laureat, he supposed would, in consequence of the specimen which that House had heard last night of the poetical talents of the Chancellor of the Exchequer, be consigned to that right hon. gentleman.

"To ensure the full advantage of a government conducted on such principles, depends on your temper, your wisdom, your disinterestedness, collectively and individually." He defied the oldest member of that House to trace in all the Speeches that he had ever heard a request more extraordinary than this. The minister, indeed, was resolved to put their temper to the test, when he ventured to advise the King to make such an address to his parliament; as vexation was the best of all possible trials of temper, to hear that Speech, to re-echo it back to the throne, and yet not to grow out of humour, was the severest test of the tem-

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per of parliament, that could be exhibited. With regard to the wisdom that his Majesty's ministers had made him call for, unfortunately it was not to be forced within those walls, like a member's attendance by a treasury note. No gentleman could, as Gregory was drubbed into a doctor, be beat with a stick into wisdom; wisdom was stubborn, and would be equally deaf to the call of majesty and the call of ministers. The wisdom of the House must remain to operate just as it thought proper. He had often heard of the qualification of a member of that House; but never until this moment heard that wisdom was one of the qualifications which could be called for, and must be produced at the pleasure of the King. The ministers did not seem to be Irish, but Welch; "I can," says the great Welch magician, "call up spirits from the vasty deep." "Aye;" says the plain rough Hotspur, "but will they come when you call?" His Majesty might call for wisdom, but wisdom was not to be compelled. It was what philosophers call an original infusion, and was not to be inspired or procured at pleasure. But all this was nothing to what followed. His Majesty calls for disinterestedness from parliament. Disinterestedness! Could any man believe it possible that the King from the throne should be made to libel the two Houses of Parliament with the crime and treason of interestedness! He could hardly give credit to his senses. It was a strain of insult beyond his imagination to conceive. Would the House bear to be told by any minister, that they were collectively and individually a servile, and a corrupt set of men, without virtue, without zeal, forgetful of duty, and negligent of character? "My people expect these qualifications of you, and I call for them." Here was a mode and strain of blustering, to which he believed that House was unaccustomed, and how it would sit upon their tempers, with all possible respect for their wisdom, he could not take upon himself to say. He believed that since the days of king Charles, who had advanced into that House, and thrown himself into the Speaker's chair to look for the members who had offended him,* such an insult and indignity had not been offered to them. He thought them called upon by every inducement of respect to themselves; to the high character which they ought to maintain; to the just jealousy of their privileges, which ought never to be asleep; to the duty which they owed to the people of England, to declare that they would never submit to be slandered or tutored by the King's ministers. He believed that House was tainted with interest, and that corruption was to be found in it; but it was from the people of England that they were to receive rebuke as well as counsel. The executive government was not appointed to controul the legislature, nor to teach them their duty; they knew their duty, and if they failed to discharge it, their constituents, he hoped, always would, as they ought, come forward and correct them.

At length folding up the Speech, he begged the House to excuse him for having preached so very long a sermon, but he desired them to remember, that he deserved not the name of Parson Spintext, for he held in his hand the longest text that ever required a comment; and a long text, they all knew, made a long comment indispensible. Having been upon his legs a considerable time, and used a great deal of laughable, mixed with a great deal of serious argument, Mr. Burke, in terms of great earnestness, declared, he thought the Speech a compound of hypocrisy, self-commendation, contradiction, and folly; and were it not that unanimity was so absolutely necessary, just at the present crisis, he would move an amendment, and even yet he was not determined whether he would not still propose one.

Mr. Chancellor *Pitt* said, that the present was a moment for seriousness, and not for mirth. The gay flowers of a brilliant and exuberant fancy were proper for their season,—for hours of jollity and recreation. He should be happy to share in the delights of that fertile imagination which had so long been the wonder and pleasure of that House; but he could not consent to indulge himself in admiring "the beautiful motes which people the sunbeam," when his mind was occupied with objects so serious and important as those now before the House, nor could he approve of the indiscretion of that wit which so unseasonably ran away with the good sense and sober judgment of the hon. gentleman. He said he was as willing as any man to unbend his mind, and indulge in the recreation of the theatre; but it was only in the theatre, and in circles of amusement, that sober men would choose to give a loose to imagination, and abstract

* See Vol. 2, p. 1009.

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their minds from all business and reflection. He now rose, therefore, to bring back the House to sobriety and seriousness; and to tell them that this was neither a fit time, nor a proper subject for the exhibition of a gaudy fancy, or the wanton blandishments of theatrical enchantment: it was their duty and business to break the magician's wand, to dispel the cloud, beautiful as it was, which had been thrown over their heads, and consider solemnly and gravely the very perilous situation of the country, and by the force of their united wisdom, abilities, and experience, endeavour to rescue the kingdom from its difficulties, by the restoration of an honourable peace. The hon. gentleman had paid him many compliments, which he was sorry he could neither accept nor thank him for, as they were accompanied with animadversions of such a nature that only the elegance of the hon. gentleman's genius could save from being ridiculous. All such playful exercises of the hon. gentleman's talent for the gay and ludicrous, he should treat with the same neglect that all sober men would treat them; and all compliments paid to him in such a stile, he should never think himself bound to acknowledge. That the hon. gentleman's character of the Speech, in regard to the matter and manner, would be admitted by the House, he could not believe, because he could not believe that they would consent to call that Speech a farrago of hypocrisies and absurdities, which they had unanimously approved, and for which they had, *nem. con.* agreed to present his Majesty with an Address of Thanks. That his Majesty's serious admonitions to his parliament should be branded with such epithets; that his feelings on so serious a subject as the dismemberment of his empire should be outraged; that his Speech, delivered with all the sacredness of royalty, should be charged with mockery, hypocrisy, and even profaneness, were things which he did not expect to hear; and which nothing could justify but the circumstance of their being the overflowings of a mind, the richness of whose wit was unchecked for the time by its wisdom and consideration. For his part, he was in a more serious mind. He would endeavour, therefore, to pursue a different language from what the hon. gentleman had chosen; and, as he should not imitate him in style, neither would he resemble him in length.

In his Majesty's Speech there was nothing that called for the ludicrous treatment the hon. gentleman had been pleased to bestow upon it. The language was plain, intelligible, sincere, and adapted to the occasion, and the Address then under consideration was equally expressed with propriety. In order, therefore, that his Majesty's ministers might yet know what part of it was liable to objection, he begged it might be discussed in a manner suitable to the subject. He had the day before addressed himself to grave and independent men, with a view to find if there really appeared cause of objection to any part of it; that his Majesty's ministers might have an opportunity of openly clearing up any doubts that might be entertained, and of convincing that House that their intentions were founded in a zealous endeavour to promote the public good, and that in a manner the most unexceptionable. With regard to the construction put upon various passages by the hon. gentleman who spoke last, they were, upon the face of them, such as could not be maintained for a moment by fair and serious argument. After defending that part of the Speech in which his Majesty deprecates the evils that might follow such a dismemberment of the empire as the recognition of the independence of America creates, he said, the hon. gentleman, among other interpolations and misconstructions of the text, (for it was evident he had tortured the text repeatedly for the sake of furnishing an opportunity to pursue an inapplicable comment) had chosen to connect the paragraph expressive of the readiness shewn by the subjects of the city of London in the general defence, with the mention of the proof of public spirit that had been given by some particular persons: two matters as distinct and separate as could possibly be. Was that House, was any man, a stranger to the zeal of certain descriptions of persons in the metropolis, who, when the government by a vigorous effort was sending all the fleets of this country from our own coasts, to the relief of Gibraltar, offered to embody themselves for the defence of the city? Had that fact any natural analogy to the offer of money to build ships with for the use of the public? Was there an idea entertained by any one member of that House, that there was the smallest degree of intention in his Majesty's ministers to apply the voluntary proofs of public spirit in private individuals, to an unconstitutional or a dangerous purpose?



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To what end then attempt, by arguments so ill-suited and uncalled for, to endeavour to damp the ardour of the country, and repress its spirit in a moment when it was most necessary to be excited? The hon. gentleman had ridiculed the calling forth of the temper, wisdom, and disinterestedness of parliament. Would any serious man attempt to maintain, that the exigency of the times did not render every possible exertion of the temper, wisdom, and disinterestedness of parliament necessary? and, that being allowed, would it be contended that it was an insult to parliament to endeavour to arouse its attention, and that the admonition so gravely and solemnly given from the throne, was either unseasonable or indiscreet? The serious part, therefore, of what had fallen from the hon. gentleman, he considered as illogical and ill-founded: the trifling part, as the redundancy of an over-luxuriant imagination, which, in the hour of cool reflection, the hon. gentleman, he was convinced, would confess to have been ill-timed and improper.

With regard to the hon. gentleman's question of the sincerity and reality of the explanation of the provisional articles, which he had just given, he knew not whether the hon. gentleman meant to insinuate, that he would be guilty of equivocation, when he solemnly stood up, as a minister, in that House, and gave an explict answer to a question explicitly put to him; but he trusted to his hitherto unimpeached character, that the House would not in candour suspect him to be capable of any such base and scandalous duplicity, till they had proof of his guilt; when they believed he was guilty, he should expect their detestation; but if the hon. gentleman now meant to impute any such charge to him, he should only say, that the imputation had (if it might be permitted to a young man to say so to an old man) his scorn and his contempt. If he had deceived the House in this instance, he desired to be considered no longer fit to be trusted in any degree. He pledged himself on his honour, that he would never sacrifice his veracity, nor be a party to a fraud, for any poor and inadequate advantages which he could reap from his continuance in a station for which he did not think himself qualified.

Mr. *Fox* found it necessary to say, in explanation of the vote which he had given for the Address, that he by no means did it from a thorough approbation of the Speech delivered from the throne; that Speech he detested as much as he despised, and he agreed totally and entirely with his hon. friend who had with so much wit, but not with more wit than argument and truth, exposed its absurdities and follies. It was the happy and envied talent of his hon. friend, to join wit so ingeniously with his argument, that he always entertained while he instructed; that he enlivened while he enlightened his auditors. The Chancellor of the Exchequer, instead of having dealt so liberally in his scorn and contempt, might, perhaps, with more credit to his colleagues and himself, have tried to answer the charges which had been brought against the Speech. But he had chosen the easier and safer paths; he had judiciously seen, that a sonorous and solemn declaration was the best means of getting rid of an attack which he had not argument to refute. Mr. Fox then said, that in agreeing to the Address, he had by no means pledged himself to the topics in the King's Speech. He had said, and he repeated it, that he should give ministers his support so long as he thought them in the right, and their treaty with America he thought perfectly so. The other parts in the Speech he entirely disapproved of. He contended, that the minister had clearly shifted the responsibility of recognizing the independence of America from himself to parliament, and had added an insult to the fact, by making his Majesty blame parliament by implication, for having obliged him to do so. He was not at all unwilling, for his own part, that the responsibility in this case should be thrown on that House; but there would have been more grace, and more dignity, as well as more propriety, in ministers taking the responsibility upon themselves. He saw the minister's intention; he meant to wound the liberties of the people, by rendering that House odious, thereby to strengthen the power of the crown; a design as alarming as it was insidious, and he had long considered this to be the plan of the present minister. He reprehended Mr. Pitt for resting the sincerity of a ministerial declaration, on the purity of his own private character. Such conduct was by no means parliamentary; nor could it, in this instance, have much weight: his private character had no reproach; but his character was to be tried. As a minister he had no character. He combated the paragraph of the Address, in which the crown calls for the temper,

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wisdom, and disinterestedness of parliament, with great ingenuity and power of argument, declaring it was turning the constitution upside down, inasmuch as the minister, who was constitutionally responsible to parliament for his conduct, and subject to their control, in that passage dictated imperiously to his masters, and gave the crown an unconstitutional predominancy. If that House wanted to learn disinterestedness, they would never, he said, go to the sink of corruption, the Treasury, to receive their lesson; this of all others he contended to be a conduct in ministers that defied example; if corruption lived within the walls of that House, the minister's speech ordered her to stalk away; or it was his professed command that his work should be done for nothing, because he haughtily called for disinterestedness. If that period however was gone, when corruption's dominion was shaken within their walls; when she was to date her banishment for ever from that House; when a substitution of virtue, integrity, and the other necessary attributes of honest delegation took place—that period certainly was the moment of passing the vote, moved by his right hon. friend (general Conway) for discontinuing the war with America. The hon. gentleman enlarged on this fact; he said, the relative situations of parliament and administration, by the dictum of the minister's speech, was become so reversed, that ministers were become the monitors of parliament. That the command of disinterestedness was a miserable attempt to gain popularity, and was, of all other ideas that could be possibly imagined, the most preposterous, and thrown out for the most preposterous purpose, to invite the people to fly to the Treasury and the crown, as an asylum from corruption; thereby meaning to insinuate to the people, that they could and ought to have no confidence in their representatives, and that they must seek for protection in the crown. This was what he termed the most insidious attack that could be formed, in his mind, against the constitution, for it was aiming to inspire the opinion, that the period was arrived which Montesquieu predicts to be the fall of British liberty—when the legislature shall become more corrupt than the executive government. He trusted, however, that we were not yet come to this period, and he had a confidence in the good sense and energy of the people of England, that they would never be brought hastily to entertain suspicions of that House; and when they did, that they would not fly to the crown for deliverance. That this was the scheme of the minister, he did not entertain a doubt; the whole tenor of his life shewed in what insignificance and contempt he professed to hold the Commons of England; and what pains he took on all occasions to fix an odium on their name. He concluded with declaring, that he wished Mr. Burke would make a motion on the Speech, in order to rescue parliament from the reproach which it threw upon them; and to teach ministers, that they must not sport with the dignity of the Commons of England.

General *Conway* declared, that nothing appeared to him more clear than that the recognition was unconditional, nor did he see why any fallacy need be practised, since the treaty itself would be submitted to parliament in a very few days, when the House would be able to judge for themselves. He laid claim to no great share of knowledge or learning, but he thought there were some parts of the Speech, properly the speech of majesty; and some, for which the minister was responsible. He declared, he was amazed to hear such constructions put upon the Speech, as he had heard; he saw it in a different light. He said, he had regarded the minister merely in his public, and not in his private capacity: he had watched him closely, and saw no reason to doubt: the surest way to keep him sincere, was to take care that he acted up to his professions, which, he declared, he had hitherto uniformly done.

Mr. *Burke* said, when the Chancellor of the Exchequer talked of treating him with scorn and contempt, he made use of unfair weapons; for, however he might differ with that right hon. gentleman, no circumstance under heaven could make him treat him with scorn and contempt.

The Address was then read and agreed to.

*The King's Answer to the Commons' Address.*] To the Address of the Commons, his Majesty returned this Answer:

"Gentlemen of the House of Commons,

"I return you thanks for this loyal and dutiful Address. I am happy to receive your assurances of satisfaction, on being acquainted that articles have been agreed upon with America, to take effect whenever terms of peace shall be finally settled with the court of France; and that, while you rejoice to learn that advances have

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been made towards a general pacification, you are, at the same time, resolved to second the most vigorous efforts in the farther prosecution of the war, if any unforeseen change in the disposition of the belligerent powers should frustrate my confident expectations of peace."

*Debate in the Commons on Mr. Secretary Townshend's Letter to the Lord Mayor respecting the Peace.*] Dec. 11. On the motion for going into a committee of supply, for the purpose of voting the navy,

Mr. *Fox* rose, he said, not to oppose the supplies, but he thought it his duty to know positively and explicitly, whether we were to have peace or war. He said, that on the 23d of November, the Secretary of State, had written a letter to the Lord Mayor of the city of London,* the most extraordinary and unaccountable he had ever heard of, and had therein assigned, as a reason for the prorogation of parliament, the treaty of peace which was on the tapis between this country and the belligerent powers; in that letter he had promised, that at the meeting of parliament on the 5th of December, he would inform his lordship and the public positively, whether we were to have peace or war. The parliament had met, and the public were still in a state of uncertainty; they were just now going to provide for the navy, and no explanation had been made by ministers. He therefore called upon them to stand forward and inform this House, whether we were to have peace or war. He did by no means wish to press ministers to reveal any matter that it might be prudent for them to conceal; he only wished they would inform the House, if they had any real grounds to go upon, when they sent that letter to the Lord Mayor. For his own part, he believed they had not. He did not wish ministers to mention the terms of peace; he only desired them to tell the House, whether there was a negociation at that time going on, and such a one as promised a peace; or whether there was now a fair prospect of peace, or a certainty of war? He desired ministers would be candid, and say, whether before the Christmas recess there was a prospect of having the information that was promised to be laid before the House. He would not cavil with them about a few days; but he wished they would speak explicitly on the matter. He saw there was such duplicity in some of their conduct, that he could not trust them. He then adverted to the avowed intention of the letter, which, from the integrity of the right hon. Secretary who wrote it, he would not impeach; but he would say, that it had a very different effect from that which it was professed to have; namely, to prevent gambling in the funds. If administration had endeavoured to invent a scheme to create speculation in that particular, they could not have thought on a more effectual one; it was telling them, "Gentlemen, we are on a treaty of peace, and on the 5th of December we shall come to a determination; now is your time for speculation, now is the time you may make your fortunes, if you are good politicians." Had it been known on the first day of the meeting of parliament, or a day or two after, what their determination was, it might have atoned

* The following is a copy of the said letter, and also of another sent on the 3d of December.

*To the right hon. the Lord Mayor of London.*

"My Lord; Whitehall, Nov. 23, 1782.

"His Majesty's ministers, anxious to prevent, as early as possible, the mischiefs too commonly resulting from speculations in the funds during the uncertain state of negociations for peace between the powers at war, and which it is to the general honour and interest of all great powers to avoid, have thought it their duty to ask his Majesty's permission, to communicate to you, for the information of the public, that the negociations, now carrying on at Paris, are brought so far to a point, as to promise a decisive conclusion whether for war or peace, before the meeting of parliament, which will, on that account, be prorogued from Tuesday, the 26th instant, to Thursday, December 5. I have his Majesty's commands to assure your lordship, that you will receive immediate notice of the issue. I have the honour to be, &c.

T. TOWNSHEND."

"My Lord; Whitehall, Dec. 3, 1782.

"In consequence of my letter to your lordship of the 22nd of last month, I take the earliest opportunity of acquainting you, that a messenger is this moment arrived from Paris with an account of provisional articles having been signed the 30th of November by his Majesty's commissioners and the commissioners of the United States of America, to be inserted in and to constitute a treaty of peace, which is to be concluded, when terms of a peace shall be agreed upon between Great Britain and France, in order that your lordship may make the same known to the public as soon as possible. I have the honour to be, &c.

T. TOWNSHEND."

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for such a blunder; but we were still going on in the dark, and the public were in the same dilemma: he therefore thought it was a duty his Majesty's ministers owed the public, to say whether any unforeseen circumstance had intervened which broke off the negociation that was said to be on foot the 22d of November, and on which ministers thought themselves justified in taking the step which they did of postponing the parliament for a week, and of writing such a letter to the Lord Mayor of London and the governors of the Bank. It was incumbent on the right hon. Secretary to explain to the House the reason of things having turned out differently from what they had declared they would turn out; or to apologise for having taken so extraordinary a step without good foundation. It had been the cause of so much mischief, and might be the cause of so much more, in consequence of the gambling it would produce, that hundreds of respectable, but credulous families might be reduced to ruin. For all such consequences he should think his Majesty's ministers accountable. If the right hon. gentleman had been deceived, and was not himself the deceiver, let him come forward and say so. There must be circumstances of a very curious nature which had tended to engage ministers in practising so poor a delusion; for without a full and explicit explanation he must call it a delusion.

Some reason had been offered by another right hon. gentleman (Mr. Pitt) for not entering into a further explanation for the present, upon the provisional articles; at the same time observing, that by a reference to a particular passage in the King's Speech, a full communication of their intention respecting America might be had. He was not satisfied with this. He knew that right hon. gentleman was not the sole member of administration; and he likewise knew that different opinions prevailed amongst them, as to the explanation of that particular passage. The reasons the right hon. gentleman gave were, as far as regarded himself, perfectly satisfactory; but he could not go an hundred yards from that House, without hearing a far different explanation. Was not this, then, a sufficient ground to doubt upon? It was surely necessary to find out, which of the two opinions was the one to be acted upon. The words in the passage of the Speech alluded to, might be strong and explanatory; but if they were not taken alike by all, it plainly shewed, that they were indeterminate. It was of the highest consequence, that this matter should be cleared up. He might differ from the right hon. gentleman as to the construction of them, and how was this point to be settled? It was not like a difference on any other occasion, where an appeal was to be had. If the right hon. gentleman and himself entered into a bond, it was not of so much consequence whether or not they agreed upon the meaning of its contents; an appeal being made to a tribunal, that would certainly ascertain what in justice was the real intentions of it. But in the present instance, no such appeal was to be had; it was therefore the duty of that House, to call for the most unequivocal definition. He did not want the right hon. gentleman who had written the letter, to come forth and relate such particulars as by the nature of his office he might be restrained from doing: but surely he ought so far to declare, that some unexpected circumstance had intervened, which had made it impossible to carry the business on so far as was expected by the time set forth.

Mr. Secretary *Townshend* rose, he declared, with no intention of making either an explanation or an apology: an explanation of difficulties arising in a negociation for peace, would be highly dangerous and inconvenient during that negociation, and an apology he did not feel to be necessary, because he was not conscious of any offence. From every consideration of policy, it was thought necessary to give that information which was the subject of his letter to the Lord Mayor. He thought the heads of all great bodies should be fully informed of what so highly respected the community. It was done with an intent to suppress that scandalous practice of stock-jobbing, which was one of the greatest national disgraces; and at no time was it likely to be carried to a greater length than on the approach of a peace. The practices of this sort, on the conclusion of the last peace, were most scandalous; it must be within the recollection of those who were old enough, what fortunes were then made. He assured the House, that if there was one man who detested such practices more than another, it was himself; he would thank the hon. gentleman to point out any who were guilty of it, and he would use every means in his power to drag them forth into light, and to that contempt and public infamy which a con-

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duct so shameful deserved. He had been assured, from all those with whom he corresponded in the city, that the measure was a good and proper one, and had considerably checked that speculation which otherwise would have taken place.

Governor *Johnstone* did not think what had fallen from the right hon. gentleman an answer to the hon. gentleman's requisition, nor could he perceive any just reason for withholding the provisional articles from parliament. The cabinet here knew of them, the French, Spanish, and Dutch cabinets knew what they were; the commissioners from America were also acquainted with them. Was every body to know what they were, but the House of Commons of England; a set of men who of all others it most behoved to be fully possessed of them. There were many points necessary to be attended to, and which the House ought in some degree to be consulted upon. The concerns of America, particularly required their attention; had any limits or restrictions been prescribed or agreed upon? These were necessary, and had been ably stated by a noble lord the other night. It mattered not what particular place was to be given up or retained, if proper consideration was not had to all other points in question. The claims of the Dutch, how far they could institute suits for the recovery of damages for any thing that had happened during the war; this ought to be ascertained as precisely as possible. The case of the loyalists ought to be nicely attended to. But still he must revert to his old opinion, and assert that the Act upon which independence had been given to America, was surreptitiously obtained from that House; and even the Act itself did not go so far as it had been construed. It only authorised or granted a power to treat with America upon the score of independence; but he saw nothing that it contained which authorised that general or unconditional independence which had been granted under the pretence or by virtue of it. He was greatly dissatisfied with the reserve of administration, and hoped that on a future day farther notice would be taken of the matter; he did not know but he should make a motion to that effect.

Mr. *Eden* begged to be understood to have voted the Address as a mere respectful acknowledgment of the communications made by his Majesty. He had joined in that acknowledgment from a desire to promote unanimity in a moment big with public danger and difficulty. He had shewn himself by no means a worshipper of ministers in the hour of their triumph; and whilst they were unbroken. He was far, however, from the wish, even if he had the ability, to molest them in this season of their embarrassments. He considered the Speech as merely stating a depending unfinished treaty, which had opened a prospect of peace, but still left the country in a state of war. And as to the meaning of the provisional articles, he was of opinion, that the differences between ministers, so much talked of, were rather in words than in substance; it appeared to him, that the colonies, at this hour, possessed both an actual and an acknowledged independence. And whether that independence was to be proclaimed at the close of this treaty, or at the close of another which might soon be opened; whether it was then or whenever a peace was concluded with France; whether it was the preliminary to a treaty, or the preliminary of a treaty, the distinction, so far as the recovery of the late colonies was concerned, seemed to him immaterial. Since they were to be independent, it signified little, whether, pending the war, they were called revolted colonies, or a foreign enemy. The policy of offering independence was obvious in its intention; he doubted its solidity; but since the trial was to be made, he wished that it had been more fully and explicitly made. He doubted whether the act of parliament empowering the King to treat, authorized a dismemberment of the empire; but if the power did not exist by statute, it must be sought in prerogative; it was, however, a dangerous prerogative, of an alarming extent, and he must presume that parliament would have been consulted, unless there were circumstances in the articles respecting boundaries, oblivion and indemnity to loyalists, commercial advantages and arrangements, payment of large debts due to the British merchants, and other matters which might make part of the provisions, and justify that mode of treaty upon the ground of expediency. Mr. Eden wished nevertheless to know from Mr. Fox, why, in his plenitude of power, and in his zeal to give independence to the colonies, he had not brought the proposition before parliament, as the mode most conclusive, and of the greatest notoriety. His opinion, he said,

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had never varied, either as to the justice of the war, or its practicability at different periods; but he had considered the contest as given up, from the hour that the vote (under whatever assurances it might have been obtained) had passed last year to compel a defensive war. That vote alone would have created the necessity of giving independence. That vote left the ministers without either power or pretext to pursue the recovery of the colonies. It had not, indeed, obliged them to evacuate and make a gratuitous cession of Carolina and Georgia, and it was not yet easy to ascertain why they had resolved on those measures, or why, having resolved on them, they had so long delayed the execution of them.

Mr. *Burke* said, that his hon. friend had asked a plain question, and what had he received for answer? He could get no farther information on the subject than before had been given; the passage in the Speech was again held up as full and explanatory, and carrying its own meaning upon the face of it: but so far was it the contrary, that ministers themselves did not construe it alike: they were divided in their opinions; and which of them was to be adhered to? No satisfaction could arise from such a diversity of opinion. He had understood the article in the same manner with his hon. friend; but he no sooner went abroad than a rumour was spread that it was construed by some to have quite a different tendency. It might be here said, that a thing so serious ought not to be affected by a light rumour; but he was of opinon, that, in proportion to the weight and consequence of a matter, a rumour, let it be ever so light, ought so far to affect it, as to make men jealous who had any concern therein, lest any thing improper or dangerous was likely to befall it. In cases like the present, it was necessary to probe rumour to the bottom; if there should appear no foundation for suspicion, there was a satisfaction in safety. Matters of trivial consideration were not so to be affected or attended to, on slight reports; the danger in letting them pass was trifling; their own want of consequence made it so, as nothing very calamatous could arise, even from the worst that could happen; but in affairs of such magnitude as the present, who could be too much on their guard? The slightest rumour ought to have its weight; mischiefs of the last description, might be prevented by nice, jealous, and timely interference; such mischiefs, as if not averted, might never be remedied. What he had heard, was from no trifling authority, but any amongst those with whom he held communication could inform him, that ministers were divided as to the construction of the passage so much pointed at in the Speech. His Majesty's ministers, in thus talking a double language, resembled the serpent, which naturalists describe to have two heads; that is a head at each end. Such a serpent, he hoped, lived only in chimera; but ministers resembled such an animal; they hissed a different language from the head and the tail, and men were confounded between the contradictory stories.—The right hon. gentleman had told his hon. friend, that if he would point out any of those who were stock jobbers, he would drag them into light. Wonderful indeed was his power! he could drag those to light, who were first pointed out to him! Those of such a description, if they were in existence, were in the light already, and need only to be pointed out to be despised. That they were in existence, his hon. friend might shew, by taking him to Jonathan's, or into the Bank, where the right hon. gentleman might drag away; he might, for ought he cared, throw his net, and drag them all on shore together. What he had to ask of the right hon. gentleman was, some satisfaction upon the business of the preliminary articles, particularly that respecting American independence. Was this business done by virtue of an act of the legislature, or by that of prerogative? If by prerogative, he would venture to say, that prerogative, so used, was a very dangerous thing. But what was become of the negociation, and the immediate peace that it promised? *Aut eris, aut non.* If it was ever in being, why was not parliament properly informed?—There were three opinions in this country respecting the great and important question of American independence; they might each of them appear reasonable and upright; he would not pretend to decide upon either of them. The first of the three was, "That independence to America, under any considerations or conditions, was a real misfortune to the nation?" this idea might prevail with some men of every description in that House, and he was sorry that it consisted of those of all descriptions; he should not pretend to refute it. The next was, "That independence ought not to be granted to America,

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without an equivalent of some nature or other, as the price of peace, or for something beneficial to this country;" the last was "that it should be given up without any consideration of any sort, that the recognition of it by this country should be free and unlimited;" amongst the last class, was himself and his hon. friend. The most uninformed person in that House could not but perceive that independence was not to be withheld from America five years ago; that is, that this country had not power to withhold it. The moment an offensive war was waged, from that moment America was lost beyond all hope. He wished to ask the right hon. gentleman to which of these opinions the preliminary articles referred, or were built upon, before he voted the supplies, which were then going to be asked for.

Mr. Chancellor *Pitt* said, that his right hon. friend was clearly right in saying, that he did not think himself bound to make either an explanation or an apology; for an apology could only be proper where there was a consciousness of offence, and an explanation could not be made consistent with duty. It was his opinion, that the present debate was rather disorderly; for it was clearly the point before the House, to enquire whether the Speaker should quit the chair, in order to vote the seamen necessary for the service of the ensuing year. Whether we were to have a war or a peace, he conceived it would be necessary to have a war establishment in the first instance; and surely, if we should have a peace in a short time, and the seamen voted should not be necessary, the grant of the sum would not be improper, for it might in the winding up of a peace be very wisely applied to the discharge of so much of the navy debt. He saw that there was a disposition to accuse, and therefore he should be more measured in his expressions. He had said undoubtedly, that the provisional articles would be laid on the table in a few days, but he trusted that the House would not construe these words so nearly as to accuse him, if they should not be laid on the table for a week or a fortnight. But he had said, that it might be inconsistent with the public safety to lay them on the table, pending the negociation with the other powers at war; he was still of the same opinion, and could only now assure the House, that they would be laid before them, on the instant that there should be a conclusion either for war or peace. At the same time he begged leave to say, that the explanation which he had given of the provisional agreement, he had given on mature consideration, and he persisted in it. The provisional articles acknowledged the independence of America, substantially and conclusively, and the recognition could not be revoked, even if the present treaty should go off. This was the opinion which he entertained, and which he always should entertain in all possible circumstances.—The attack which had been made on the letter written by his right hon. friend, appeared to him at least rash and premature. When the whole business should come regularly before the House, he was certain the most substantial reasons would be offered for his conduct on that occasion. However oddly gentlemen might now consider it, he knew it, and they, too, would know it in due time to be connected with circumstances which rendered it the best plan that could be adopted. The consequences, even supposing them as extensively pernicious and extravagant as they had been described, were not chargeable on his right hon. friend, whose intention was certainly right. An explanation of the various circumstances which led to such a determination, he hoped, would not be pressed, as at this stage of the business it was totally inexpedient.

Mr. *Powys* by no means agreed, that they were out of order who argued against the Speaker's leaving the chair, on the ground of there being a contrariety of sentiment between ministers on the construction of the provisional articles: for if it was possible, by any construction, that the mad and infamous war with America could be renewed, gentlemen were right in withholding supplies from ministers, by which that war might be carried on. But he was ready to accept of the testimony of the right hon. gentlemen, members of that House, who were also members of the cabinet, and he considered them as pledged to the House for the explanation which they had given of the provisional agreement. On their explanation he had given his vote for the Address, and on their explanation he should give his vote that night.

Mr. *Sheridan* said, that it was not only the noble earl at the head of the Treasury who had given an explanation of the provisional articles different from that given by the ministers in this House; but in a public company, where he was some days

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ago, a noble person*, in whose words he placed more confidence than in those of the noble earl, had given an opinion exactly correspondent. This was not a matter of private confidence; and therefore he was at liberty to make use of the explanation, and to advance it as an argument of caution to the House how they hastily voted a war establishment on language so contradictory.

The Earl of *Surrey* did not pretend to account for the conduct of administration, but whatever differences might divide them on points of inferior moment, he had not a doubt, but they were all very seriously united in realizing the independence of America. Those who affected still to stickle for this impracticable object, and were not even yet cured of their attachment to ideas of subjugation, were the very persons through whose mal-administration this dreadful dismemberment of the empire became unavoidable. He was now, however, of opinion that no minister, whatever his talents of address, his influence, or principles were, durst renew this war which the nation so heartily and unanimously reprobated. He would therefore vote for the supply from a conviction that none of the public expenditure would henceforward be prostituted in supporting a measure thus unjust and obnoxious. And he was as firmly persuaded, that the American war was now, and he trusted for ever at an end, as he could be of any event whatever, which depended so much on the contingencies of futurity. Nor should he be more surprised at the renewal of it, than at their disinterestedness, who having accumulated to themselves and creatures a variety of pensions, should in this crisis of public exigence and extremity liberally and nobly resign them. It was his firm opinion that both these facts were equally improbable, and in the faith of this he was for going directly into the committee.

Mr. *Wraxall* warned ministers and parliament, that France was amusing and deluding this country; that Spain was not in any treaty with us at that moment; and, above all, that Du Barras St. Laurens had sailed from Brest with 12 sail of the line, and 64 transports, twelve days ago: that he joined D'Estaign at Cadiz, who had ten French, and eight Spanish ships of the line, under his command. That this fleet, making thirty sail of the line, and having 13,000 troops on board, was gone to the West-Indies, and that Jamaica was their object. He bestowed high encomiums on ministers for having so seasonably and silently detached sir Richard Hughes with a small squadron for the West-Indies, and trusted they would not overlook the present designs of the enemy. He likewise warned ministers against daring to cede the northern circars to France, or, on any consideration, ever restoring to Holland the invaluable harbour of Trincomalé, in the island of Ceylon, which, he said, was the key to India, and which had been the preservation of Madras, and all our East India dominions in the present war.

Mr. *Courtenay* said, that gentlemen had taken notice of the contradictory language of ministers, and had expressed their apprehensions, that from the language of a noble lord in another House, there was delusion in the provisional agreement. For his own part, this contrariety of sentiment and explanation, only furnished him with a new proof of the talents of the noble lord in question, who was exceedingly well skilled and adroit in the dissemination of discordant opinions for the sake of unanimity. As two negatives produce in rhetoric an affirmative, the noble lord in his casuistical policy knew that two opinions of an exact contrary tendency, was likely to convince men of different principles, and to bring them over to his way of thinking. For instance, there was one set of men who thought we should not grant independence to America, without a compensation, such as procuring a general peace. To these men, therefore, the noble lord declared that the provisional articles contained only an offer of independence, which might be recalled in certain circumstances, and by this explanation he brought over all such men to his side. There was another set of men who thought that it would be magnanimous and good policy in this nation to acknowledge the independence of America in the first instance, absolutely and irrevocably. To meet the ideas of those men, the noble lord's colleagues in this House came forward and declared that the provisional agreement did this fully and finally, and those gentlemen were also brought over. This, said Mr. C., is what I call disseminating contradictory opinions for the sake of unanimity, and surely this is a talent of

* The Duke of Richmond, in a conversation at a meeting of the society for Constitutional Information.



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ministerialism which every man must commend. The true excellence of a statesman was to make use of this sort of ambidexter squinting policy, which looked both ways at the same time, and consulted the good of the public as well as of the individual. It was the talent of that noble earl, and a glorious profitable talent it was, so to contrive his measures as to make them palatable to all; his language was at all times such, that he could explain it either this way or that way, and every other man might do so too. It was this that constituted the merit of a great statesman and an able minister. He said that he, and indeed every man, had an implicit confidence in the Chancellor of the Exchequer. The explanation which he had given of the provisional articles, would certainly have the proper effect on the House; and indeed the noble earl of whom he had spoken, had shewn his genius and judgment in procuring the aid of this right hon. gentleman in his administration. He had placed him in the cabinet for the wisest of purposes. There was a kind of magic in the name and lineage of a Pitt, which the earl of Shelburne knew must have its influence on the nation. The noble earl was a great philosopher, and he had been taught, probably by Dr. Priestley, that in a medium of foul and corrupted air, the best means of purifying and correcting the same, was the introduction of a young vegetable, by the dephlogisticated air of which the foul air would be amended; and he no doubt knew from experiment, that an exhausted animal would live much longer, and a candle burn brighter in dephlogisticated air, than in any other.

General *Conway* declared, that it was his opinion, that the provisional agreement was a full, absolute, and irrevocable recognition of the independence of America. It had naturally been the desire of ministers, in obedience to the will of that House, to conclude a separate treaty with America; but finding, after repeated trials, that that was impracticable, they did what was the next thing in their power: they made a treaty, the provisions of which the Americans would claim whenever they thought proper so to do—a treaty recognizing their independence, which was to take place whenever a peace should happen between this country and France; and which, at the same time, they might claim whenever they thought proper to conclude a separate treaty with Britain. He averred, that this was the nature of the agreement which had been made; and he begged to call the recollection of the House to the language which he had held at the conclusion of the last session, in order that they might perceive that he had at least the merit of consistency. He had read a paper containing his sentiments, of what were the principles on which ministers acted. One article of that paper was, that they should acknowledge the independence of the United States of America, as the basis of a treaty for peace, and that in all future negociations for peace, they should be treated with, and considered as an independent state.

*Debate in the Commons on the Navy Estimates.*] The question was now put for the Speaker leaving the chair, which being agreed to, the House went into a Committee of Supply.

Mr. *Brett* then rose, to move for the seamen necessary to the service of the current year. The last vote was for 100,000 seamen and marines; but though this was the number voted, he observed, from the returns, that there were actually borne and mustered upwards of 106,000; and that there had been a regular, monthly increase, in consequence of the increasing number of ships employed on actual service. The number of line of battle, now in actual employment, was 112. The prospect of more ships being employed was great, and therefore it was fair to conclude, that this number would also increase; he would therefore move, that 110,000 men be employed for the sea service of the year 1783, including 25,591 marines.

Captain *John Luttrell* said, that he presented himself to the Committee thus early in the day, not so much for the purpose of giving his hearty assent to the number of seamen moved for, as to express a secondary wish that the debate might be confined within its proper limits, at least as far as it related to marine affairs. The hon. mover had stated the number of line of battle ships now in employ to amount to 112. In December 1781, we had 92 sail of the line in commission, of which number were included but five fourth rates: there were 23 building, or under repair, but so forward as to come into service within the year 1782: so that allowing for five sail to require a very large repair, the late first lord of the

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Admiralty counted upon having 110 sail of the line in commission by this time. He found his successor in office, by the hon. member's statement of our force, had done as much as his predecessor pledged himself to do, and he would not entertain a doubt, but that if, in the event of the belligerent powers refusing to accede to honourable terms of peace, it should become necessary to prosecute the war with redoubled vigour, the naval exertions of this country, under the direction of the present first lord of the Admiralty, assisted in the execution of them by the best sea officers, and the most experienced and intrepid seamen in the world, would be felt with surprise and confusion by our enemies, would be admired and rejoiced at by ourselves and by our friends. He must now refer, in support of the ignorance he had charged an honourable member with, respecting naval concerns, to a note taken in the spring of the year, for in matters of importance he never trusted to a treacherous memory. He then read as follows: "Mr. Secretary Fox, in an abstract debate respecting the raising a military force by arming the yeomanry of the country for its defence, introduced the state (as he called it) of our own fleet, and insisted, that it was in a wretched, weak, and disabled condition, so much worse was it than he had represented or conceived, that he scarcely knew how to venture to name it to the House. That we were to expect by every packet the news of some naval disgrace, for that our fleet, once the dread of all the world, was become despicable indeed; and that lest much should be expected from it when little could be done, he was under the necessity of informing the House of its being so reduced in point of force as to be no higher than as one to three, when compared with the fleets of our enemies." Capt. Luttrell was happy in reminding the House how directly contrary the events turned out to what the hon. member had prognosticated, and that they were in possession of proofs that the hon. member's account of our naval strength was founded on error, ignorance, and misinformation, which could not now be so coloured again as to mislead their judgment, even by that hon. member's infatuating language, with which he before deceived them, and then called in aid of his pretensions to professional knowledge the sanction of 217 members, given to his former naval motion, when, amongst that number, there could be very few, except the two sea officers, competent to form a judgment on the subject; but they must have supposed his bold assertions were founded on such respectable information as his situation in the state gave him the power to procure. The period being now arrived when every man in this nation could determine whether the hon. member's account of our naval strength, or that which he had the honour of pronouncing, was most true, he felt no pain about the decision; for, be it remembered, that soon after the hon. member had drawn his melancholy picture with shades, to create dismay in this country, and to give fresh spirits to our enemies, news was received from the East-Indies of great advantages being obtained by sir Edward Hughes over the Dutch, of the capture of many of their valuable settlements and ships, and of substantial service being done in that country against our natural enemies. In the home seas, our strength was found sufficient to protect our commerce, and to keep the fleet of Holland in such awe of us, that they had not ventured to put to sea in array, but been content to steal to sea with single ships.—From the West-Indies we received the joyful news of the glorious victory obtained over De Grasse and the French fleet, with the capture of part of them; and that it was by a very precipitate flight the rest escaped. The great gallantry and naval exertions of the British fleet under lord Rodney, which shone so peculiarly bright on that day over those of the enemy, would be lamented by France as the setting sun of her pretensions to equal Great Britain in naval skill and power. He hoped that what he had said might serve as an answer also to another hon. member, who the other day held a like sort of language, with respect to the weak state of our fleet in the last spring; but he was happy to find that both the hon. members were possessed of magic art, to have rendered it so formidable in an instant, as they now both agreed in opinion with him it was. And in this he trusted no man would differ from him, that the present first lord of the Admiralty had made the best possible use of the force put into his hands: that merit was certainly due to him, and he believed the noble lord would claim no other; but he could not help observing on the proof an hon. member had offered, that the noble lord in the blue ribbon had hazarded ill-grounded assertions, by desiring he would

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look to the fate of the Royal George; and that many other ships were in equal danger. The first part of his reference, he was sure, would not be applicable: and the last, he hoped, would not prove true. The fate of the Royal George was certainly a lamentable one; but the accident which sent her to the bottom, would have had the like effect, had she been a new ship; but he hoped to God, the direful experience we had so dearly bought, would free us from the danger of such another calamity. That she was sea-worthy in the opinion of the present board of Admiralty, was clear, by her being destined for a flag ship on the Gibraltar service. He trusted, that if he wished to pass over the consideration of what was due to the great spirit and masterly conduct of lord Howe and the British fleet under his command, which relieved that garrison, it would not be attributed to any doubts he at present entertained, that a more essential piece of naval service to this country never was performed, and that it ought to be ranked among the foremost of those gallant exploits, which had raised his lordship's name so deservedly high in his profession, and in the eye of our enemies; but he did not wish to see the flame of dissention kindle again in the naval service, and therefore would not now oppose the information he had received on that subject, however respectable the authority he derived it from, or the contrariety of it to what had been offered as *ex parte* evidence to the House, unless the threatened enquiry took place. In that case, however the service or country might suffer, he would undertake to say, it would terminate in reflecting the purest lustre on that noble lord's head and heart. To no private friendship or resentment, no party prejudice or political tenets would he ever sacrifice the honour or the interest of his profession, and he did not scruple to say, that it was the highest disrespect, in his opinion, both to the service and to parliament, that out of seven lords of the Admiralty, there should be but one a member of that House and a seaman, who was capable of giving even the common necessary information, and he was employed in the service of his country abroad. He thought ministers, in their zeal to serve their friends, should at least take so much care of the public, as to appoint people to office that had a colourable pretence of being equal to the functions of it, and if they were confessedly ignorant of their duty in that House, what good could be expected from them at the board where they sat. If we could preserve the health of the first and second lord of the Admiralty, further assistance would not be required; but from disease, and the infirmities of nature, they were frequently rendered unable to attend to public concerns, and then the hon. member who made the motion, became in effect the lord high admiral of Great Britain. It was the only character in which he did not hold him respectable. And he called upon the noble lord who now presided at the head of that board, and whose affection for the service could only be equal to their affection for him, to provide a seat in parliament and at the Admiralty, for some professional man of talents, who would attend from the commencement of a session to its conclusion, to explain the conduct of the office, and to guard the characters of naval officers against all unjust and malicious attacks. He desired their lordships to look round the fleet, and see who could think himself safe to serve the country, after what had passed in that House on Thursday and Friday last. The best plea they could offer for their silence was ignorance, and he believed it was the fair one, for he should be sorry to attribute it to their acquiescence in the charges which were brought being well founded; but lest what he had said might be construed to be the language of envy or ambition, he declared he felt no other interest in it, than from the prospect of advantage which might accrue to him in common with the rest of his brother officers. He knew it to be a situation far above his pretensions to aspire to, and he would never seek it, because he felt very sensibly his own inability to perform the duty in the way he wished to see it done. He concluded with warning the administration against disarming this country first, and recommending to them to keep our navy on that respectable footing, which would be a better security for preserving the rights stipulated to us, than the letter of any treaty could do, however solemnly it might be ratified.

Mr. *Fox* said, that the hon. gentleman had palpably misstated what he had said, in the month of April, when he came into office, and when the House were arguing on the propriety of arming the people for our internal defence. He had by no means said that the navy of England, taken in the whole, was so miserably inferior to that of our combined enemies, as to be no more,

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in an enumeration, than one to three. His Majesty's ministers found, on that occasion, that in the West Indies we were, in every respect, fully equal to the enemy, and the event justified the information they received. But in Europe the inequality of the force was so great, that truth and reality would bear him out in the assertion, that of ships of the line we numbered no more than one for three. In this computation he undoubtedly took in the three European powers of France, Spain, and Holland. Such was our inferiority at that time, and it was to that inferiority that he referred whenever he talked of the very astonishing exertions which the first lord of the Admiralty made for the deliverance of the empire; exertions, the success of which had raised the wonder and admiration of Europe. The honour that he acquired by increasing so rapidly the fleet of England, could only be equalled by the fame he acquired for the judicious management and application of that fleet to the purposes of the campaign: it was necessary to guard against the Dutch, it was necessary to bring home in safety our important trade, it was necessary to relieve Gibraltar, and for all these services the naval minister had but one fleet. By an original and great manœuvre, such as sprung from the richness of a mind full of resources, he caught the seasonable moment, and sent the fleet into the Northern sea, by which the Dutch were awed, and their fleet condemned to inactivity in their ports, while our valuable trade arrived in safety; and this bold and original operation was performed without delaying the fleet one day from the expedition to Gibraltar.—The hon. gentleman charged him with gross and complete ignorance of naval matters. If he were to pretend to the knowledge of a professional man, he should justly subject himself to the contempt of the House; but undoubtedly the subject of the navy, as a branch of our force, and taking it as a matter of state, was a topic to which every man, who pretended to business, must have given great part of his attention; and he had through life made it his study to acquire from professional men the information on every given point, which it behoved him, as a member of that House, and of his Majesty's councils, to know; and he took this to be the only true and certain lights, by which a man, who had various pursuits, could guide himself. The hon. gentleman talked of the necessity of having professional men at the board of Admiralty, for the benefit of their conducting the business of that House with brilliancy and eclat. Perhaps the hon. gentleman had, by the speech which he had delivered on that day, been striving to shew ministers how advantageous it would be to have a professional man who was a member of that House, at the board. For his own part, he thought something more was necessary than the abilities of speaking in that House to the due execution and discharge of their duty in the office. But with respect to the hon. gentleman alluded to, if there was any man on earth qualified more than another for the office which he filled, it was him, and he highly approved the discernment with which lord Keppel had selected the gentlemen who made the commissioners at that board.

Mr. Fox said, that the ingenious opinion advanced by Mr. Courtenay was exceedingly expressive of lord Shelburne's character. It was very true that he acted in such a stile of duplicity and art, that his language would bear any construction that either he or his friends might choose to put upon it. He believed that no man knew so well how to accommodate himself to the opinions of mankind, how to frame his measures so as that they might look every possible way, and bear every possible explanation, than he did. It was, therefore, very evident and clear to him, that if he could in the first instance cajole his colleagues in office to accede to the provisional agreement, under the persuasion that they thought it was a complete and irrevocable recognition of the independence of America, he would concede any thing to bring over those gentlemen to his purpose; and having obtained it, he then would accommodate himself to the temper of the other set of men, and by this discordant means be able to produce unanimity.—This seemed to be the plan and language of the earl of Shelburne, first to his colleagues, and then to all the world: "Do you sign this treaty according to your own acceptation of it." The treaty was so happily worded, that it bore the noble earl out in this address. He bowed to his colleagues, told them he undoubtedly meant to force no man's opinion, and begged them only to sign it on their own construction. There surely was no scheme of unanimity so complete as this, for it embraced all opinions, banished all contradiction, and brought men of the

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most discordant principles to the most decided union. He approved what had fallen from Mr. Powys, who had termed the ministers of that House, hostages for the ratification of the provisional treaty, agreeably to their avowed construction of it. He would, he declared, be content, in the marked phraseology of his worthy friend, sir G. Savile, to accept of personal security, that the construction put upon the provisional treaty was enforced, and therefore he would follow the example of Mr. Powys, and consider the three right hon. gentlemen as hostages for the due performance of what they had solemnly declared was the true meaning of the treaty.

Lord *North* said, that the motion for 110,000 seamen had his hearty concurrence. Notwithstanding all that had been said respecting the negociation for peace, it behoved that House to consider the country as a country in a state of actual, immediate, and dangerous war; but which, from the glorious successes of the last campaign, had assumed a much more promising appearance than it had worn before this last year. For his part, he did not regard our resources for a vigorous continuance of a just and necessary war, with the same desponding impressions that some other gentlemen had declared they felt. At the same time, however, he had not by any means lost sight of his rooted conviction, that a peace, proper for Great Britain to accept, was a matter extremely desirable. As a friend to peace, therefore, he would give the present motion his vote, since nothing could, in his opinion, more effectually tend to produce peace, than our shewing our enemies that the parliament of Great Britain, notwithstanding the pendency of a treaty of pacification, were effectually enabling government to continue the war, should a continuance of it appear to be necessary; and that the government of this country were not relaxing in the smallest degree from every possible preparation for active and determined war.

After some further conversation, the Resolution was agreed to.

*Debate in the Commons on the Vote of Thanks to General Eliott, &c.*] Dec. 12. General *Conway* said, that he never rose in that House, upon any occasion, with so little difficulty and so much pleasure, as he did on that day. The gallant general, who was the subject of all men's praise and reverence, the intrepid and persevering general Eliott had deserved every thing that a grateful and an admiring nation could bestow. His bravery, his enterprise, his prudence, his skill, his constancy, his humanity, his zeal, and his unremitting attention to every part of his important and laborious duty, through so long and so close an investment, demanded fame more lofty, and praise more lasting than his weak words could possibly confer. After stating that it was the intention of his Majesty to bestow on him a signal mark of his favour, he said that the thanks of this House were still wanting, as of all other rewards the thanks of his grateful country was the reward the dearest and brightest in a soldier's eyes, and that to which, above all other things, he would honourably aspire. He would not enter into the detail of the transactions of the garrison through the whole of the long and arduous siege; every circumstance of which was an article of praise to the brave man of whom they were speaking; but would move, "That the thanks of this House be given to general Eliott, for the important service he has done to this country by his brave and gallant defence of Gibraltar."

Lord *Mulgrave* said, there was only one thing in which he differed on that day with the right hon. commander in chief—that he never in his life rose under so much embarrassment and difficulty. The House would indulge him in giving way to his feelings on the occasion. He had been twice a spectator of the wonders of general Eliott's character, and it required that men should see them thoroughly, to understand their importance. The enterprize which the general had displayed in his sally some time ago, could only be equalled by the ardour of the troops, who knew, that in following general Eliott they were going to reap unparalleled honour. The skill and address which he shewed in repelling and overthrowing the last great and uncommon attack of the enemy, could only be surpassed by that more than human humanity, (if he might be allowed the expression) that more than human magnanimity and compassion which he had shewn in snatching expiring enemies from the combined horrors of sea and fire. In such a moment of unprecedented triumph, it was only a man with the gentleness of spirit, the softness of nature, and the moderation of mind, which characterized general Eliott, that could act

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with the coolness and consideration which he discovered in that awful scene. And yet though his conduct, on these great occasions of his duty, had shewn him to be all that we had ever been taught to expect in a soldier, even this, in his opinion, was the smallest merit of general Eliott. The merit of bravery and humanity were not peculiar, though they were brilliant virtues. There were many men, who, when they came to so trying a situation, would, with minds aspiring after honour, shew powers of mind equally active, and feelings as humane, but where was the man who for three years together was equally and consistently great? for general Eliott alone it was reserved to be as great in all the actions of each day, as in the memorable crisis of his fate; to be as valuable in bending his mind to the less brilliant, but as necessary considerations of the comfort, the discipline, the vigilance, the love of his garrison; which made him, in his opinion, the most finished military character that any age or country had produced. Men were apt, he said, to speak too sparingly of the living, and too loftily of the dead. Let it not be attributed to him that he reversed this practice, for from his soul he did not know a character, living or dead, which in all military points could equal that of general Eliott. Gentlemen talked in raptures of the strength of Gibraltar, and were fond of calling it by nature impregnable. Its strength was undoubtedly great, but it was gen. Eliott who had made it impregnable.

Sir *George Howard* could not sufficiently express his admiration of the character of general Eliott. In giving him the thanks of this House, they could not be too explicit in stating the importance of the service on which the general had been employed. The motion was not sufficiently expressive on this point, and he therefore wished to add the following words as an illustration of the sense and feelings of the House on this great occasion. He therefore moved, that after the word "Gibraltar," there should be inserted the words, "the most valuable and important fortress of any of our foreign possessions."

Lord *Fielding* seconded the Amendment, expressing his admiration of the gallant general, and declaring that he concurred with the hon. baronet in thinking the words which he had proposed necessary to fix the value of the service for which he was to be thanked.

Mr. *George Onslow* declared, that he thought of general Eliott and his services with rapture; but he could not subscribe to the words now proposed to be added to the motion; for he always had been of opinion, and was now of opinion, that Gibraltar hung like a dead weight round the neck of Britain. It was of no use to us. Other nations that had no Gibraltar had more trade in the Mediterranean and Levant than we had, the Danes, the Swedes, and the Dutch; and it was a vulgar error that Gibraltar was so wonderfully important. He knew it: he was there seven years. He was a soldier, and a bit of a seaman. Its bay was not fit to be called so. He had seen eleven ships ashore in it at a time; and, in short, it ought not to be ranked by us in so consequential a light.

Earl *Nugent* was sorry that the hon. baronet had made the amendment, as it might disturb the unanimity with which they would be all happy to pass the vote of thanks to the brave general. It would include a political question, and give rise to discussions which he must lament on such an occasion.

Sir *George Howard* said, that nothing was further from his heart than to introduce words which should give rise to a political question; and if his amendment should disturb the unanimity of the House, he would be happy to withdraw it.

Mr. *Fox* rejoiced that the amendment had been proposed, but it would give him very great concern, if it should be withdrawn. Reports had gone abroad, that Gibraltar was to be given up; he did not credit them himself; for he was convinced that there was not, in administration, a single man who dared to give it up: this amendment, if carried, would convince the public at large, that the reports were groundless: but it would have still a greater effect; it would convince Spain that this nation was not in a temper to suffer the cession of so important a fortress; or that if they could bring themselves to think of an exchange, it would tell Spain that the price of it must be immense, because its value was immense: in either case, the amendment would be of the greatest advantage. At all events, he was happy that the amendment had been made, because ministers would learn what a value the nation had set upon a fortress, which had baffled the attacks of a great army, and an immense fleet. An hon. gentleman had said, it was not important

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to us, and that the Danes, the Swedes, and the Dutch had more trade in the Mediterranean and Levant than ourselves, without a Gibraltar: but would he say, that these nations could trade into the Mediterranean without Gibraltar, if they were at war with France and Spain?

Governor *Johnstone* never wished to clog a question with extraneous matter, or to carry by a side-wind, what ought to be the subject of a direct and separate question. It had been said that thanks were to be given to other officers of the garrison; he was sorry for it; the honour ought not to be frittered away; it should belong to the commander in chief; it was his due; he wished to make the thanks the more honourable, from being given sparingly and seldom.

Mr. Secretary *Townshend* said that general Eliott had written home warmly in favour of lieut. gen. Boyd's conduct; but by an accidental blunder, that passage of the letter had not appeared in the Gazette. He had written, however, to general Boyd to set the matter to rights, and to inform him what the governor had said of him. The amendment, he said, tended to embarrass ministers, and ought to be withdrawn.

The Earl of *Surrey* would be sorry that England should part with so valuable a possession as Gibraltar; but at the same time, he would not concur in any measure calculated to take ministers by surprise.

Lord *Mahon* said, that it was not candid to attempt to take ministers by surprise, or to bring on a consideration of so much moment, without a previous notice.

Lord *George Cavendish* thought this idea of previous notice entirely unparliamentary: he was an old member, and never had heard the idea started till of late years; and it was mostly urged by young members; ministers held up this shield, whenever an attempt was made to touch upon a delicate spot; but it would not hinder the attack; for he always found that men had a propensity to poke in a delicate or tender spot.

Mr. Chancellor *Pitt* said, that this was a mode similar to that ascribed to a noble earl in administration, of creating unanimity, by raising a diversity of opinion. He wished, for his own part, to take his share of responsibility as a minister; but he would not be responsible unless he understood upon what grounds he was to act, and what was to be the rule of his conduct. If the House would directly move that Gibraltar should in no possible case be given up, let them say so plainly, and he would act accordingly. With respect to the insertion, as a matter of honour to general Eliott, it was surely unnecessary, for the gallantry of general Eliott's conduct would have entitled him to equal praise if the object had been less important.

Mr. *Burke* strongly supported the amendment; he said it would give the ministers a handle for obstinately resisting all demands for a cession of Gibraltar. It had been often said of English negociators, that they had, in all negociations, the advantage of impotence; that was, the advantage of not having it in their power of complying with the demands of an unreasonable enemy. The amendment he thought highly necessary to the honour of general Eliott; for though other officers might have behaved gallantly and nobly in other quarters, yet he derived additional lustre from the great theatre on which his abilities had been displayed. Polybius had observed, that it was absurd to compare Timoleon to Alexander.

Sir *Adam Ferguson* was against the amendment; he agreed entirely with governor Johnstone, in opinion, that the words of the motion could not have been too simple; he was always much better pleased with the simple epitaph made by Simonides, for the gallant Spartans, who had fallen at Thermopylæ, than with the most pompous and laboured panegyric of the dead. All that Simonides said of these gallant heroes, was; "Go, stranger, and tell the Lacædemonians, that we fell here in defence of our country."

Sir *C. Turner* was against the amendment, because he was not yet ripe to say, that Gibraltar was the most valuable fortress we had: it would require time to deliberate, before a man could bring himself to declare which was the most valuable of our foreign fortresses.

Lord *John Cavendish* said he would not have cared if the amendment had never been proposed; but, having been proposed, it might be productive of the most fatal consequences, if it should go over to Spain that the House of Commons had not dared to pronounce Gibraltar a valuable fortress.

General *Conway* asked if gentlemen were yet ripe to pronounce Gibraltar the most valuable of our fortresses? Would they say, for instance, that it was more valuable than Madras, the loss of which

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might be productive of the loss of all our possessions in India?

After some further conversation, the amendment was withdrawn, and the original motion agreed to *nem. con.*

The House next resolved: 1. "That the thanks of this House be given to viscount Howe, for the important service he has done to this country by the late relief of the fortress of Gibraltar, and by his gallant and able manœuvres of the fleet under his command against a superior fleet of the enemy: 2. To lieut. gen. Boyd, major general La Motte, major general Green, chief engineer, to sir Roger Curtis, and to the officers, soldiers, and sailors, lately employed in the defence of Gibraltar."

*Debate in the Lords respecting the Articles of the Provisional Treaty relative to the Recognition of the Independency of America.*] Dec. 13. Earl *Fitzwilliam* gave rise to a conversation on the subject of the difference which was evident in the language of ministers in the one House and the other, on the meaning of the provisional treaty with America. The noble earl said it was impossible for any of their lordships not to have taken notice of the extreme difference that there was in the explanation which his Majesty's ministers had given of the King's Speech here, and in another place. It was impossible to walk the streets without being told of the inconsistency of ministers. It was the subject of all the newspapers, and the topic of general conversation. He begged leave to say, that it excited in his mind apprehensions of a very uneasy kind, and he had risen to put a question to the noble earl in the blue ribbon, who would have the goodness, he trusted, to give him a clear and explicit answer. In this House the treaty was declared to be conditional, and revocable, and dependant on the present negociation with France. In the other House it was declared to be absolute and unconditional, and dependent on no circumstance whatever. It was impossible for their lordships to rest contented under explanations so inconsistent and contradictory; it was fit that they should know clearly and distinctly the situation in which we stood; and therefore he hoped the noble earl would have no objection to answering his question. He had written it down, in order to be more distinct in the matter, and it was as follows: "Is it to be understood, that the independence of America is never again to become a subject of doubt, discussion, or bargain; but is to take effect absolutely, at any period, near or remote, whenever a treaty of peace is concluded with the court of France, though the present treaty should entirely break off? Or, on the contrary, is the independence of America merely contingent; so that if the particular treaty, now negociating with that court, should not terminate in a peace, the offer is to be considered as revoked, and the independence left to be determined by circumstances and the events of war?"

The Earl of *Shelburne* said, that there was a very short answer to the question of the noble earl; that in all the proceedings of parliament, in all times, even in those of peace, there never was a precedent of any such question being put, and answered by a minister. There was no man less ready to fly to the forms and orders of that House for refuge against questions than himself; but nothing could be more unwise, and more unsafe, as well as more unparliamentary, than to enter into the discussion proposed by the noble earl, and give any answer to his question, either one way or the other. He was bound, by his office, to keep the secrets of the King,—he was bound by his duty to his King and country, to keep them inviolably, and he would do so with his life. The secrets of the King, in the present circumstances of the empire, were of a nature so important, that he was sure he should have the voice of the House with him, when he said, that to bring them at all into discussion, would be highly unjustifiable. The secrets of the King's prerogative were, of all others, the most sacred, and the most particularly to be guarded. He declared that he would not only resist the question of the noble earl, but, if the House itself should in a regular manner call upon him, he would keep the King's secret, nor should they constrain him to disclose it. A time would speedily come when the noble earl would have a right to call for the agreement which was concluded with the Americans; and ministers held themselves responsible to their country for the articles which it contained. In the mean time he begged the House to remember, that the thing was done, that the treaty was signed and sealed; and that, whether it was good or bad, the production of it could not vary the measure, in order to make it what noble lords



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might wish it to be. He begged them at the same time to remember, that that agreement with the Americans had been made in consequence of an act of the last session, empowering his Majesty to conclude the differences between this country and America, so anxious had parliament been that there should be no obscurity in the matter; and the King's ministers were anxious that peace should be suddenly restored to this country.

Earl *Fitzwilliam* said, that nothing was more distant from his imagination, than the desire of embarrassing ministers in the treaty now carrying on for a general peace. His intention was to remove embarrassment, by the removal of ambiguity. The noble earl talked with his usual eloquence of the obligation he was under to keep the secrets of his royal master. God forbid that he should breathe a wish that he should disclose the secrets of government! He called for no secrets. The King's Speech told him all that he wished to learn, and an official letter, sent by Mr. Secretary Townshend to the lord mayor of London, and the directors of all the great companies, declared that a treaty was concluded with the "United States of America." If, then, they were the "United States of America," we were to consider them as declared by his Majesty's ministers independent states. If they were not independent, they would not, as he conceived, be called the United States of America, since they would only be British colonies. So far did the letter of Mr. Secretary Townshend go; and the Speech of the King delivered from the throne spoke the same language. It stated that his Majesty had, in compliance with the sense of parliament, made them an offer of independence; and that provisional articles were signed, to be inserted in the treaty that should be made for peace with France;—and it went on with these words: "In this separation," &c. If, then, we were separated, the question which had been so long the subject of struggle and contention was over, and America was, to all intents and purposes, declared to be independent of the crown and legislature of Great Britain. With these declarations he, for one, was satisfied, and thought them sufficiently plain and specific; but one of his Majesty's cabinet counsellors, and one who certainly had as much, if not more, power in his hands than any other, had said that the provisional articles did not extend so far, —that they were conditional, and depended on the present negociation for peace with France. It was this which he wished to have explained.

The Duke of *Richmond* said, that in a public conversation, which had been very improperly adverted to in the other House, he had given no such opinion as was ascribed to him. He had said, that it was impossible in any treaty that provision could be made for all contingencies, and that we could absolutely trust to the efficacy of treaties in any given occasion. The noble duke mentioned several cases that might occur, and against which it was impossible for any human government to provide. In particular, his grace said, it was an article in all treaties of peace, that there should be perpetual amity and peace between the contracting powers. This was always inserted, but was there any human means of enforcing this most salutary provision? He mentioned this to shew how perfectly idle and absurd it must be for their lordships, or any men, to argue on this treaty now, when the provisions of it were not known. He could assure the House, that not only the noble earl in the blue ribbon, but every one of his Majesty's ministers, professed the disposition, and avowedly acted on the principle, of putting a total end to the American dispute.

The Earl of *Derby* said, he was astonished to hear ministers talk of the secrecy of a measure which had not only been published from the throne, and by their colleagues in another House, but also in official letters. All that was now desired or called for, was, that ministers in that House should be as candid, open, and explicit, as they were in the other, and should give a plain answer to a very plain question; "Are the Americans declared to be independent or not?"

The Duke of *Chandos* thought the earl of Shelburne clearly in the right in refusing an answer to the question which had been put by the noble earl; and he assured the noble earl in the blue ribbon, that while he continued to act on the principles held out in the Speech from the throne, he should have his very warm support.

The Earl of *Shelburne* thanked the noble duke for his very obliging approbation. In regard to the question which the two noble earls continued to press upon him, his answer was the same now as before. He neither could, nor would

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enter into any explanation of a matter which could not be explained without danger to the country. In regard to what he said on the first day, he was in the memory of every noble lord, that his language on that day was clearly this, that it was impossible to argue on a paper which could not be produced nor explained. This was his language then, and it was his language now; he could not therefore avoid saying, that the question of the noble lords was captious, and that they must seek for grounds of opposition to his measures more substantial than that which they had now taken. He assured them, that this topic of accusation would not bear them through. The great advantage of monarchy, as he had said, in our constitution, was, that it trusted in the crown the secrets which must necessarily attend all negociations with foreign powers. He could easily conceive, he said, a case in which the people of this country might speak to the crown in such language as this: "Sire, we called in the aid of your illustrious family to save us from Popery and arbitrary power. We have for three ages reaped the benefits of their attention to our interests and welfare, but not thinking that monarchy is any longer essential to our security, freedom, and happiness, we are determined to do all the business of the crown ourselves: and therefore, with many thanks for your care and kindness, we make you our bow, and intreat you to relinquish the trust." He could conceive all this; but while the crown did remain a part of our constitution, and those negociations were trusted to the prerogative, he could have no conception of their calling for the secrets of any negociations which the King might be carrying on for the purpose of peace. The noble earls thought there was no danger in disclosing the treaty in question. The best answer to this assertion was, that those peers, who did not know the subject matter of that treaty, were of opinion that there was danger in its exposure, and they therefore refused it.

Viscount *Townshend* professed, that he could not see why the noble earl in the blue ribbon thought it necessary to ascribe to the two noble lords any other, than public and manly motives for the question they had put and urged. He said the noble earl had himself, when out of office, been fond of embarrassing ministers with questions. It was his clear opinion, that the ambiguity of which the noble earls complained did exist. He was fully convinced, that this country ought, by all means, to declare America independent, and if this was not done irrevocably and finally, it was done wrong. By the very name of this agreement, he was alarmed; it was called a provisional agreement, and the provision was, that it depended on the conclusion of a treaty of peace with France, by which America was rendered dependent on that power for peace.

The Earl of *Derby* said, there were many cases in which the responsibility of ministers was not a sufficient security to the nation against their misconduct. For instance, if any minister should be found wicked and profligate enough to think of giving up, in a treaty, the unconquerable fortress of Gibraltar, what other protection can the kingdom have in so alarming a moment, than that by knowing the fact, they might have an opportunity to prevent it? He reprobated the idea of opposing the minister from dishonest and uncandid views.

The Duke of *Manchester* said, that the question put by the noble earl was very unreasonable, and he thought ministers right in not giving any answer to it.

The Duke of *Richmond* rose to declare that in all his transactions with the noble earl, and the rest of his colleagues in the cabinet, he had found no variation of sentiment, no change of conduct with respect to America, nor had he any distrust in his integrity from any thing that he had seen since he came into office. Their principles were still unchanged.

Earl *Fitzwilliam* reminded the noble duke, that the noble earl had placed himself in his present situation by means not perfectly consistent with the principles of those men with whom his grace had always acted. The principles of those men, in which he had been educated, and in which he should die, would never admit that a prime minister should be established on such a foundation as the noble earl had been.

The Earl of *Shelburne* called the noble earl to order. He said, that it had always been the pride of his life to stand unconnected with party, and to reject party as an unconstitutional thing. He stood single in declaring, that he would never refer to that means either of placing himself in his situation, or supporting himself in it. He had lived with a few friends in

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habits of intimacy and friendship, but he scorned the connection of party, with which to take the King's closet by force.

Earl *Fitzwilliam* said in answer to this, that it was curious to boast of his having but few friends in the country, in preference to many.

Here the conversation dropt.

*Debate on Mr. Fox's Motion for such Articles of the Provisional Treaty as relate to the Recognition of the Independency of America.*] Dec. 18. Mr. *Fox* said, that no two things upon earth could be more opposite to each other, or differ more, than the explanation given to the same treaty by his Majesty's ministers in one place, and a minister of his Majesty in another; for while the former had fairly and roundly declared the treaty with America to be final, conclusive, and irrevocable; the latter as roundly asserted the very contrary. He adverted particularly to what the earl of Shelburne had said on the sacredness of secresy in this case. With what little deference did that noble person treat his colleagues! They had fairly answered all these questions; and if to answer them fairly was to betray his Majesty's secrets, and to violate the privy councillor's oath, the noble earl must of course look upon his colleagues as perjured men, and betrayers of their trust? It was a most convenient thing, indeed, for a man to have a conscience, behind which he could shelter himself from whatever he did not like to face: the noble earl could not have acted more wisely than when he had recourse to his oath; and a confessor could not have given a better advice: one might have imagined that the noble earl had drawn up a case of conscience, and submitted it to a casuist: there was an affectation in ministers, notwithstanding the diversity of opinion that visibly prevailed among them, to have it thought that they were all perfectly unanimous: but how stood that unanimity? They might, indeed, have all concurred in making a particular treaty; but did they all agree in the interpretation of it? Not at all: the noble earl who was supposed to have the greatest influence in his Majesty's councils suffered his colleagues to explain as they understood; but he thought it proper to assume to himself the same liberty; as he understood it differently, so he explained it differently: all reasoning men must allow, that unanimity in agreeing to a treaty was of little consequence, when compared to unanimity on the interpretation of it: the words of the treaty were of themselves of little consequence; that which was truly consequential, was the interpretation or construction put upon those words by those who were to execute the treaty, and act upon them: a man might differ in opinion from another, and yet might sacrifice his opinion for the sake of unanimity, when there was a question of adopting some particular measure; but when a measure was adopted, to differ about the meaning of that measure, this was the division, this was the difference that he thought of the most dangerous nature to the public. To exemplify this, in a case in which he was concerned; he stated the earl of Shelburne's letter to sir Guy Carleton, in which the independence of America was declared to be a measure, to which his Majesty's commissioners were instructed to subscribe unconditionally;—from that moment he rejoiced beyond expression, and would have been happy, if he had been at liberty to shew this letter to those who used frequently to intimate their suspicions to him, that the noble earl would never consent to recognize the indepence of America; how could he, if he had been at liberty, have silenced their complaints, and dispelled all their doubts! But what must have been his surprise, if after so full and ample a declaration made by the noble lord in his letter, he should afterwards find him endeavouring to explain it away? What confidence could the other powers of Europe place in the ministers of this country, when they found that how unanimous soever they might be in agreeing to a measure, they never could be brought to hold the same opinion when the purport of that measure was to be explained? What must Europe think of us, if after he had informed all the foreign courts, that we were about to recognize unconditionally the independence of America, they should find that his colleague in office, who had concurred in the measure, explained it in the most different manner? In Mr. Secretary Hamilton's letter, the lord mayor of Dublin, and through him the people of Ireland, were informed that the independence of America was finally recognized by England, in a treaty which was to take effect between the two powers, whenever we should make peace with France. Could any terms be more strong? The independence being finally recognised, it was with propriety that the lord lieutenant, speaking of England and

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America, should call them these two powers; but how must his excellency feel, how must the people of Ireland feel, when they hear, in contradiction to his excellency's letter, that the first minister of this country has declared, that the independence is not finally recognised; for that as the treaty in which it is recognised is revocable, the independence is only conditional? To come to a full *éclaircissement* on this subject, it was his wish to see the treaty itself; and as the House would barely desire to have the treaty, the noble earl need not be alarmed for his conscience; he might produce the articles, and keep his meaning to himself; the House of Commons would put a construction upon them themselves, which could not in future be explained away by any minister. If there was any part of the treaty which ministers would undertake to say, could not, in their opinion, be disclosed without danger in the present state of the negociation, he would not press the motion he intended to make: there always was a willingness or bias in the House to support government, and he would call this bias laudable, and shew that he felt it in himself, by withdrawing his motion, if ministers would assure him that there were parts of the treaty that were not yet ripe for disclosure: he had heard it reported, that there were in the treaty with America, secret articles unknown to France, and known only to England and America; he did not desire to see these articles; nay, to be candid, he would not even desire that ministers should say there were any such. All he wished to learn was, whether there was really a subsisting treaty with America, which should survive the present negociations with France, though they should not end in a peace? This being a reasonable curiosity, he expected support in his motion, though he courted none: he did not know whether he might expect the support of the noble lord in the blue ribbon, who, in a strange mode of reasoning, brought himself to vote with ministers, because they did not agree with one another. If his motion should be adopted, the House would then be able to judge for themselves, whether the independence was, as he hoped it was, unconditional and irrevocable. He then moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House such parts of the Provisional Articles, agreed upon between his Majesty's commissioners and the commissioners of the United States of America, as relate to the recognition of the independency of the said States."

Lord *John Cavendish* seconded the motion.

Mr. *Thomas Pitt* rose to move the order of the day. He said that he neither meant to deny the different opinions of ministers, nor to say that such difference was of no consequence; that he agreed in many of the arguments of the hon. gentleman which went to the propriety of producing the paper in proper time; but that he had not heard one argument to shew the utility of producing it now, before peace or war was decided: that if we should have peace, the having seen the paper would answer none of his purposes, since America was satisfied with it, and we need not certainly be more American than the Americans themselves: that if the peace were rejected, it would then be time enough to examine the treaty, and put what sense we pleased upon it; that the interfering in the exercise of the executive power, whilst treaties were depending, was of all others a right the House should be the most cautious of exerting; that we knew already all that it imported us to know in the present moment; that independency was given as the price of peace, and as such accepted by America; that so far there was no difference of opinion; that the union he required in his Majesty's councils was an union in the same object, and that he was happy to find, that after all the jealousies of the summer, even after the pledges of the resolutions of the House, and sir G. Carleton's letter to persuade us still that there was no intention to procure peace by the sacrifice of American independence, the notification of a treaty actually signed had now put that sincerity out of doubt; that he knew little of the oath of a privy counsellor, which he had never taken; but that if the loose conversations upon these topics were not a breach of oath from ministers, it was at least a very great breach of discretion; and that he had endeavoured to catch the eye of the Speaker thus early, merely that he might adjure ministers not to repeat that indiscretion, by suffering one word more of explanation upon those subjects to pass their lips, which could produce nothing but misconstruction and perverse misrepresentations, pernicious at home, but much more so in the courts of foreign nations.

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Lord *Mahon* seconded Mr. T. Pitt's motion. He said he had listened with astonishment to the hon. member who had made the motion for papers; for he had heard him misquote and mistake what had fallen from a noble lord in another place; when that noble lord took shelter behind his oath, the question put to him was not relative to the nature of the recognition of the independence, but to the contents of the treaty. Mr. Fox had moved for that part only of the treaty which might fix an odium upon ministers for surrendering the dominion of this country over America without any condition; because whatever stipulations there might be in the treaty in favour of England, they could not be produced, under the terms of his motion.

Lord *Maitland* stated the good effects that would follow the production of the papers moved for; the true meaning of the provisional treaty would be ascertained; and parliament having once agreed to put a construction upon it, from which ministers could never recede, the ministers of foreign powers might then treat with us with a confidence which they did not at present repose in the persons who had the management of our affairs. A secretary of state, in his eye, had said, that if any one thing had retarded the peace more than another, it was a report industriously propagated by some persons, of the duplicity of the noble lord at the head of the Treasury; now, the most effectual way to counteract that report, would be to produce the treaty, and shew to all the world that the noble lord was sincere.

Mr. Secretary *Townshend* rose to deny that he had ever mentioned a report of the duplicity of the noble lord; he had, indeed, mentioned a report which he had heard, that the noble lord was not sincere, and that by such a report, the peace had, perhaps, been retarded.

Earl *Nugent* said, that for some years back, he had seen the necessity of recognizing the independence of America; but those who were now so forward to move for, or at least recommend it, were formerly very backward on that head. He opposed the motion, because it was unprecedented to call for articles of a treaty, pending a negociation.

Mr. *J. S. Cocks* said, that in such a moment as the present we should have confidence in ministers, and not call upon them to report progress, since it might materially affect the negociations about which they were employed.

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Lord *North* adverted with great humour to the advice which Mr. T. Pitt had given to ministers, and said it was greatly to be lamented that his advice had come too late. To advise them to be silent, to be discreet, to be more guarded, and not to tell their secrets, was certainly good advice; and it was great pity that that advice should come after they had been guilty of all these things. The noble lord commented on the conduct of ministers. It was very true, as had been stated by Mr. Fox, that he was determined to vote to-night with ministers, not because he agreed, but because he differed with them. He differed with one part of them, and agreed with the other: he owned he should be better pleased to be able to agree with them collectively, than to agree with them partially; but as he could not do this, he must give his consent to the motion which had been made for the order of the day, in the confidence that he should, at any rate, agree in this vote with the ministers who sat on the Treasury-bench. His declaration, on a former day, that he disagreed with the explanation which had been given of the provisional articles, he still maintained. He did not think that that explanation was founded on the probable nature of the treaty, and arguing, as he did, in the dark, he had examined the various and opposite explanations, and had adopted that which agreed in his mind the most with the official papers which were published on the point. The contradictions were, indeed, palpable, and shewed that there were differences, of a very essential nature, in the cabinet, which certainly must have their effect on the Continent; but, still, though he agreed perfectly with the right hon. gentleman who made the motion, in the statement which he had given of the different opinions expressed by the King's ministers, yet he could not agree with him, that the present was the seasonable moment for the production of the provisional articles, or that his questions could be answered with perfect safety. The noble lord entered minutely into the examination of the different passages in the King's Speech, in the letter of Mr. Secretary Townshend, and in the various explanations which had been made, drawing from all these his conclusion, that though there were most palpable contradictions, still if the meaning could be at all drawn from the words, it was that the provisional articles were revocable, and by no means

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extended to the unconditional recognition of the independence of America. He made many ludicrous and severe comments on the construction and conduct of the ministry. He said, he would rather take the edition of this matter, as they had it from the throne, on royal paper, than all the editions *cum notis variorum* which had been published since. By the very term provisional, it was apparent that the agreement was not absolute and irrevocable. It could not be imagined that even the present contradictory cabinet could have given to a treaty the appellation of provisional, if it depended on no condition, if it was connected with no other circumstance which served to make it uncertain. If it depended on no contingency whatever, it would resemble an oath, not that oath of which they had heard so much, the oath of a privy counsellor, but a less serious oath, of which they must have all heard, and some of them might have taken, the oath at Highgate, by which a man swore, that he never would drink small beer when he could get strong, provided he did not like small beer best; nor kiss the maid when he might kiss the mistress, provided always that he did not chuse the maid in preference. If it was a provisional treaty, that resembled this provisional oath, which carried its own absolution with it, then indeed it might be what some of his Majesty's ministers stated it to be, a full and absolute recognition of American independence; but if it was a provisional treaty, in the plain, unequivocal, and direct meaning and intent of the term provisional, then it was a treaty, such as others of the King's ministers had described it to be, conditional, revocable, still pending, and by no means giving full and absolute independence to America. He said, that it was a maxim among casuists, that the opinion and assertion of one grave and well-informed doctor, made a thing probable. Here, then, he had not only the opinion of one grave and well-informed doctor, but of two; and therefore he was justified, even on that ground, of entertaining it as a probable fact, that this treaty was not absolute and unconditional. —In more than one constitutional society, explanations had been given different from those of the ministers in that House; and even in that night's debate, gentlemen, who if not ministers themselves, were nearly connected with them, and were at least within the wind of ministry.—Persons who rose to give sober and serious advice to ministers, had told the House that this treaty was certainly to be considered as the price of peace. If, then, it was the price, and the price should be rejected, the agreement must, in its evident nature, be at an end. In short, he was still of opinion, that this treaty was what it ought to be, a treaty conditional and revocable.—Having said this, he would give his reason for voting against its production. It must do harm by being laid on the table. It had been said, that the contradictory opinions of the King's ministers might be reduced to a clear and precise doctrine of the treaty, by being submitted to the wisdom of that House. He did not think this. Surely the cabinet was the place where fixed and unanimous opinions were to be expected. It was composed of eleven men of great genius, immense wisdom, long experience, and determined constancy, and a cabinet who had as many commissioners engaged at Paris in this important work; and if all these men had not been able to fix a precise meaning to this treaty, which was declared to be adopted with their unanimous consent, could it be expected that an unanimous explanation should be given by that House? He had often heard that House called the Temple of Eloquence, the Temple of Debate, the Temple of the Constitution, the Temple of Liberty, the Temple of Fame; but he had never heard it called the Temple of Concord. This, then, was not a good argument for the production of this treaty, as it was not to be expected that they would be more unanimous in their opinion of it than the eleven men who were the fathers of it. It would be injurious, both if they liked it, and if they disliked it: if they disliked this treaty, the consequences would be palpable; and if they declared their full approbation of it, he foresaw this consequence, that the court of Versailles would immediately say to our ministers, This thing which you have so long tendered to us as the price of peace, which you have rated so high, which you have declared the British nation would be so averse to grant; this thing, the recognition of the independence of America, goes down easily and glibly; the House of Commons like it; they think it no sacrifice, and therefore we insist upon better terms. This he considered as a very probable consequence of their approbation; and this would materially affect the negociation now on foot. He did not believe that the agreement contained articles unknown to

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the French; but such as perhaps might be affected by being exposed. He adverted to the argument, that it would be unfair to produce the part of the treaty which respected the recognition of the independence of America, without also producing those concessions which America might perhaps have made in return to this country. He owned this to be a probable fact, and for this reason, that surely ministers would not have delivered up the independence of America, without a very considerable price. This he averred was the expectation of the people. He was averse to the proposed interference with ministers in their negociation for peace. They were responsible for the terms they should make; and if the House interfered with them, they might plead that as an excuse for a bad peace.

Mr. *T. Pitt* declared, that when he mentioned peace as the price of American independence, it was because the independence was not to take place but in consequence of peace: that so far from being an adviser of ministers, he had no connection with them but from private friendship and personal respect to some of the individuals; and that not one of them, or any man in the kingdom, knew he intended to make his motion till he made it: that, however he would allow the noble lord to suppose him the adviser of what ministers he pleased, provided he would do him the justice to testify, at all times, that he had never been the adviser of a single measure of a late administration.

Mr. *Hammet* said, he was sorry to see the divisions which existed in his Majesty's cabinet; and above all earthly things, desired to promote unanimity among the great men who had it in their power, if they would heartily join, yet to deliver this country from all her difficulties. He disapproved of the motion, and wished most ardently to see ministers left to pursue the negociations uninterrupted.

Mr. *David Hartley* warmly approved of the motion, and answered the objections that had been advanced against it. It had been said, that no positive advantages could be derived from its production. He answered there were. It would be a positive advantage to have a precise meaning fixed on the treaty by that House. He knew that the suspicions entertained of the earl of Shelburne materially affected this country. He believed the earl to be a man of honour, and if a man of honour, he must be against the independence of America. His strong doctrines on that point were in the recollection of the Congress; and he could prove from their public proceedings that they had no confidence in his offers of independence. He said, that in consequence of the whole tenor of the earl of Shelburne's life, he and many others, still entertained their doubts that the American war was not finally put an end to; and, therefore, it was his most ardent desire, that that House should come to some explicit declaration to bind ministers to their duty.

Mr. *Byng* spoke with great feeling of the division which had taken place between old and dear friends. The candid and fair manner in which Mr. Fox had called on ministers to say, if they entertained doubts that the exposure of this treaty would be attended with danger or inconvenience, called for open and manly returns. But it appeared, that the King's ministers in this House had delivered themselves over to vassalage and tuition, and submitted to silence in the most unseasonable conjuncture for their own credit that could possibly be.

Mr. Chancellor *Pitt* expressed his anxiety, that the motion which Mr. Fox had made should be withdrawn without any direct answer being given by his Majesty's ministers. He very much approved of the advice which his hon. friend and relation had given him, and he should most strictly pursue it, in not entering into the discussion at all, and in not giving any hint, idea, or surmise as a minister, what might be the consequences of the production of that treaty. As a minister, he would not give any answer to what had been asked. He would, as a member of that House, supposing himself to be perfectly and totally unacquainted with the provisional treaty, assert, that it was his opinion that the exposure of it must be unseasonable and inconvenient. On the first day of the session he had undoubtedly said, that the provisional treaty might be laid on the table in a few days, meaning thereby, that the treaty with France might in so short a time be brought to such a stage, that the provisional articles might be produced without hazard. He was not ashamed to own that he was mistaken; and he repeated his very ardent and sincere wish that the right hon. gentleman would yet withdraw his motion.

Mr. *Burke* said, that the right hon. gentleman had paid actual, though not

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literal regard to the sage advice he had received, for he had spoken in such a manner as to answer the end of complete silence. He was very earnest in his recommendation to government to avoid the slippery and unsure ground of proud silence, or of ambiguous communication; for though it might afford them a dishonourable shelter from the dangers of one night, it would do little for their permanent ease, credit, or advantage.

General *Conway* said, he had heard of no material difference in the various explanations given of the provisional articles there and in other places. It was very true there had been rumours of difference; but from what he had learned, they did not appear to be material, or at any rate, that there was any deviation from the principles of that system on which they all set out. The motion had not met with the concurrence of the House, and he did not think that the mover would dare to take the sense of the House upon it, as he knew that he should be attended into the lobby by so small a minority.

Lord *John Cavendish* said, the motion of his right hon. friend was reasonable and necessary. If the provisional articles contained a full and absolute recognition of the independence of America, then there could be no possible harm in their production; if they did not, it was fit the House should know the fact, that measures might be taken to correct the deficiency.

Mr. *Fox* replied to all that had been said in objection to his motion. That he dared not to take the sense of the House, was an assertion which he did not expect from the right honourable gentleman. That the smallness of a minority was a proof of the weakness of the cause, was a proposition he thought would not have been advanced by that right hon. gentleman, after the many hard trials and severe struggles they had had to cure that House of their love of the American war. He commented on his declaration that there was no material difference in the language of ministers on the nature of the provisional treaty. It was one of the slight differences, then, which that right hon. gentleman regarded as immaterial; it was no more than the independence or dependence of America. It was no more than whether the mad scheme of subjugating America was abolished or not; and this was what the right hon. gentleman, with his wonted facility and accommodation, called a slight, immaterial difference. The right hon. gentleman said the American commissioners were pleased with the treaty. With the treaty were they pleased, or with the explanations of it? with both explanations they could not be pleased undoubtedly, and it was for the purpose of affixing to it a certain, specific, absolute, and unchangeable meaning, that he desired to see it on the table. Mr. Fox then went into an enumeration of the advantages to be reaped by its exposure, the first and greatest of which was, that when the Americans came to see that the recognition of their independence was ratified by the legislature, all doubts would vanish; all jealousies would expire; the bond which tied them to France would lose its energy; and if that hostile and ambitious power did not become moderate in its demands, America would agree to a separate peace. He laughed at the idle nonsense of danger, if the treaty was unequivocal. He confessed, that ministers had on that day most implicitly obeyed the injunction they had received of silence; for though they had spoken, he defied any man to explain what they meant. In the King's Speech there breathed a pious hope that the similarity of language would be a bond of union between Britain and America. If this was true, as he trusted it was, what shameful policy it was in ministers to use language which no mortal could understand. Mr. Fox anxiously hoped, that the conduct of ministers on that day, would not give such distrust to nations, as to prevent their gaining an honourable peace for their country. That was the first great object of his heart, and his motion for the production of that treaty flowed from a sincere conviction, that it would promote and facilitate that great end.

The House then divided on the motion for the order of the day: Yeas 219, Noes 46: Mr. Fox's motion was consequently rejected.

*Debate in the Commons on the Affairs of Ireland.*] Dec. 19. Colonel *Fitzpatrick* begged to call the attention of government to the circumstance which had given some alarm to the people of Ireland, he meant, the decision of an Irish cause in the court of King's-bench in England. He wished just to beg that ministers would, before the recess, give some intimation of what they intended to do in that question.



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Mr. Secretary *Townshend* assured the hon. gentleman that government had the strongest disposition to do every thing in their power to confirm the happy settlement which took place last session. He explained the late decision to have arisen from a circumstance which could not be provided against, viz. that the cause had been in the court for 18 months, and the judges were bound to decide in it.

Colonel *Fitzpatrick* said, that he was only anxious that satisfaction should be given to the Irish nation on this ground, and that they should learn, before the recess, that this country was well disposed to give every necessary satisfaction. This was particularly to be wished, because pains had been taken to spread ideas, that what had been done was not sufficient for the security of Ireland; and on the score of this decision surmises had been thrown out against the friends of order and reason, who were convinced of the rectitude of the intentions of Great Britain. He understood that there were several other causes in the court of King's-bench.

Mr. Secretary *Townshend* said, he had enquired into the fact whether there were any more causes in the King's-bench, and he understood there were not. He found there were two appeals before the House of Lords, which had also been there before the Act of last session; but he understood that they would be removed, and pains had been taken to prevent any more appeals from being brought to England.

The *Attorney General* explained the reason of the late decision; and said it was impossible for the noble lord at the head of that court, who was the pride and ornament of human nature, to prevent the decision. He said there were no more Irish causes, and it was now impossible that there should be any more.

Mr. *Fox* said, that on this subject he took the first moment to declare that the intentions of those ministers who had sent the repeal of the declaratory law, were thereby to make a complete, absolute, and perpetual surrender of the British legislative and judicial supremacy over Ireland. This was the intention of government; and it was the clear conviction both of ministers and of the gentlemen of Ireland, who interested themselves in the business, that the manner in which this was done was the best possible way, and the least liable to exception. Since this had been done, opinions had been propogated, that a renunciation was better than a repeal. A renunciation was then thought of; but it was the opinion of the gentlemen, that if Britain did it by a renunciation of the right, it would be offensive to Ireland, because thereby we declared that we possessed the right. Again, a renunciation, stating it to be a right which we never legally possessed, was what England would not be brought to agree to, and therefore the plan pursued was the best way; and as it was clearly understood to be a complete surrender, was received with cordiality by those gentlemen whom he would pronounce to be the best and truest friends of Ireland.

General *Conway* declared, that government were resolved to do every thing in their power to put an end to disputes of every kind.

Dec. 20. Mr. *W. Grenville* (secretary to his brother the lord lieutenant of Ireland) said, he lamented, that he had not been present at a conversation, which he understood took place last night, relative to Ireland. If he had been present, he would have informed the House, that the late decision in the King's-bench of England, which had occasioned much jealousy in Ireland, had been taken notice of immediately by the lord lieutenant, who had not lost a moment to remonstrate on that subject with his Majesty's ministers, and to make known to them the effect it had produced in the minds of the people of Ireland; and he must do ministers the justice to say, he had found them very well disposed to remove the ground of jealousy: it was necessary also, that he should do justice to the lord lieutenant, by declaring, that there was not a man in either kingdom, more decidedly of opinion than his excellency was, that the faith of England was pledged to Ireland for the truth of this proposition, that England had fully and completely renounced all legislative and judicial jurisdiction; and that nothing could be more conducive to the harmony and interests of both kingdoms, than that this national faith should be preserved inviolate. He said he intended to move for a call of the House at an earlier day than the 22nd of next month; however, he hoped that gentlemen would be in town before that day; in that hope, he gave notice that a motion would be made in the House relative to Ireland.

Mr. Secretary *Townshend* complained,

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that what he had said in the conversation last night on the subject of Ireland, had been grossly misrepresented in some publications; for though he had said that "great pains had been taken to prevent any more appeals being brought from Ireland;" yet he was represented to have said just the very contrary: it was not of much importance, what he, as an individual member, might have said: but when it might be supposed that he was speaking the sentiments of his Majesty's ministers, it was of great consequence that he should not be misrepresented.

The *Speaker* said a few words on the subject of taking notice of misrepresentations in public prints of expressions or arguments that had been delivered in that House; it was a practice which he would not recommend, as such a notice, and attempting to set the argument right, might perhaps be construed into an avowal of what was not contradicted.

Lord *Beauchamp* mentioned his surprise at hearing a business taken out of his hands, which he had given notice of for the 29th of January.

Mr. *W. Grenville* said, that the noble lord certainly could not as yet know, whether his motion had any concern whatever with what the noble lord had in view.

Mr. *Burke* said, he rose not to continue a disorderly conversation, but barely to say a word or two in defence of the measures respecting Ireland, that had been taken when his friends were in power. He then spoke of the repeal of the 6th George the 1st, and declared, that however mistaken notions to the contrary might have been since excited and fomented in Ireland, the repeal of that Act was meant by those, who proposed it, to be considered as a total dereliction on the part of this country, of all claim to the right of legislative or judicial power over Ireland, in every case whatsoever.

## 1783.

*Debate in the Commons on the Irish Judicature Bill**.] January 22. Mr. Secretary *Townshend*, in consequence of the notice given by him yesterday, rose to move for leave to bring in a Bill relative to Ireland. The proceedings of the last session on Irish affairs, were fresh in the memory of every gentleman: the principle upon which parliament acted at that time, was to give Ireland every satisfaction that justice demanded, and that was consistent with the dignity of Great Britain. The mode that had been adopted to convey that satisfaction might not have been such as to prevent all cavil, and take away every pretext from those who might have a greater wish for embroiling, than for settling public affairs. Ireland did not desire, and would not accept of a grant of rights from Great Britain; and at the same time her good sense, and her regard for this country, would not suffer her to propose or demand what England would not do, what she could not do, without recording her own shame, namely, to declare that for centuries she had usurped the rights of Ireland. As for himself, nothing was farther from his intention than to impeach the mode of proceeding of the administration under whose direction the Irish business had been conducted last

* "When the matter of establishing the legislative and judicial independence of the kingdom of Ireland was under the consideration of the late ministry, two ways of doing it had occurred. The one, by a renunciation of what this country held to be a right, but which it was ready to give up. This mode, however, it was foreseen, might give offence to the people of Ireland, who contended, that England never had any such right. The other mode was by declaring that England, though it had exercised, had never been legally possessed of, such a right: but to this mode of renunciation it was justly apprehended that the parliament of Great Britain would not be brought to consent. The measure of a simple repeal of the Declaratory Act of the 6th of Geo. 1, was therefore moved by Mr. Fox and adopted, as most consistent with the spirit of the people there, and the dignity of government here: and though some leading men in Ireland seemed to think that an absolute renunciation was necessary; yet an Address was carried there through both Houses, with only two or three dissentient voices, expressing their perfect satisfaction, and declaring that no constitutional question between the two countries would any longer exist. After this the parliament of Ireland proceeded in the exercise of their legislative capacity, to enact laws for regulating their judicial proceedings, and for confining the decisions of property to their own courts of law, with power of appeal to the House of Lords of that country only. Things were going on in this amicable manner, when a cause that had been removed by writ of error from Ireland to the court of King's-bench, long before the repeal had been in agitation, and which the judge, by the rules of the court, was bound to determine, was brought to a decision."—Annual Register.

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year; he believed that sincerity and wisdom had guided their steps; but some untoward circumstances had intervened, to prevent them from producing all the good effect that might have been expected from them, particularly a late decision in the court of King's-bench here, which had excited jealousies in the breasts, even of the best-intentioned men in Ireland. In what he had just said, he declared, nothing could be farther from his meaning, than in any, the most distant manner even, to reflect on the conduct of the judges of the court of King's-bench, with regard to their determination on the writ of error. He was perfectly conscious, that they were bound to act as they had done; that it was not in their power legally to have acted otherwise: and that in reality, what they had done, did not affect the question between the two countries. Ireland claimed a sole and exclusive exercise of judicature, as well as of legislation; having given up the legislation, the judicature certainly was not worth contending for; and therefore, were there not other great and weighty reasons of policy and justice in the case, he should think England ought, knowing what the wish of Ireland was, to meet it cheerfully and readily. To lull these jealousies; to lay all doubts and disputes about constitutional points asleep, so that they might never wake again, was the object he had in view in the motion he was going to make; and he hoped that Ireland would rest satisfied, that in no change of affairs would England ever retract that faith, which she had pledged, when she repealed the 6th of Geo. 1, fully to surrender all legislative and judicial authority over Ireland. For the present he wished there might be no debate; it could answer no good purpose; and, by reserving what gentlemen had to say upon the Bill till the fit opportunity, it would be impossible for any thing to be misconceived or misrepresented, by error of judgment on the one hand, or malice on the other. This had been the case before; and words dropped there, with the best intention and the fairest meaning, had been sent under a construction that did not belong to them, to a distant place; the consequence of which was, that those were irritated and inflamed, who were meant to be appeased and gratified. He wished that his motion might pass unanimously, that the people of Ireland might see that England meant fairly when she set out to remove the causes of their jealousies and discontents. He then moved for leave to bring in a Bill "for removing and preventing all doubts which have arisen, or might arise, concerning the exclusive rights of the parliament and courts of Ireland, in matters of legislation and judicature, and for preventing any writ of error, or appeal, from any of his Majesty's courts in that kingdom, from being received, heard, and adjudged, in any of his Majesty's courts in the kingdom of Great Britain."

Mr. *W. Grenville* seconded the motion: he was happy to find that government had so early, and of their own accord, brought forth this business; for though he would not say how jealousies had been excited in Ireland, there was no doubt but jealousies did exist there; and that the late transaction in the court of King's-bench here, had in no small degree contributed to spread them wide. The necessity of taking some step that should amount to such a prevention, struck him so forcibly, that he could not but rejoice exceedingly at what he had heard that day; at the same time he meant not to suggest the smallest impeachment of the measures of government last session, or of the intention of those gentlemen who had managed the business on the part of Ireland. The latter, he was perfectly aware, meant to serve their country with fidelity, with zeal, and to the full extent of what they thought to be her wish, desire, or just expectation. The right hon. gentleman also, who brought forward the proposition of the 17th of May, meant, and he had heard him a few weeks since declare, he meant, by a repeal of the 6th of George 1, a full and complete abandonment of the exercise of legislation and judicature over Ireland; and he had stated the reasons, why he had thought the repeal of that Act the most proper mode of settling the claims of Ireland. He had said, that he meant not to avow that this country had unjustly exercised, for a number of years past, a right that she had not, because this country would never hear of such a humiliating declaration, and because Ireland was too wise to require her to make it. He had therefore aimed solely at granting Ireland what she claimed, substantially and effectually, and in the manner that appeared to him least liable to objection. It had since appeared, that the repeal of the 6th Geo. 1, had not proved so complete in effect as the right hon. gentleman had expected. The late decision in the court

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of King's-bench had set the matter afloat again, and it became necessary to do something more, in order to put an end for ever to the possibility of any farther doubt, and to give Ireland the most indubitable pledge of the good faith of parliament in regard to her meaning last year. The measure now proposed would be that indubitable pledge, and if any thing could enhance its value, in the eyes of Ireland, it must be the handsome, liberal, and magnanimous manner in which it was taken. At a moment when the prospect of peace was before us, when this country was rising out of her difficulties, without any consideration of the improvement of her own condition, without regarding the situation of other powers, for government to come forward, and listening to the voice of Ireland, immediately to meet her desires, and gratify them to the fullest extent, was an instance of magnanimity that could not but warm the hearts of our fellow-subjects across St. George's channel, and excite the admiration of all the world. Mr. Grenville spoke for some time with great eloquence on this circumstance, on the near relation of Ireland to England, and on the mutuality of their interests; and having shewn that the prosperity and adversity of each must necessarily be mutual, said he flattered himself that the motion would meet with the unanimous concurrence of the House.

Mr. *Eden* said, that when Mr. Fox's propositions were discussed on the 17th of May last, he had ventured to declare his belief, that those propositions would be satisfactory to Ireland, and his opinion, that they ought to be satisfactory. He had not seen any early reason to believe himself mistaken in either idea; for the Irish House of Commons, on learning what had that day passed, had voted an Address to the King (with only two dissenting voices), in which they assured his Majesty, "that no constitutional question between the nations would any longer exist." A dissatisfaction had somehow since arisen, but he still continued to think, that it ought not to have arisen, and the business of the day was the best proof that it ought not; for it shewed, beyond a possible doubt, not merely the good faith, but the industrious anxiety of England, to gratify Ireland in the point of free legislation. The House were not founding their Act on any constitutional, or authenticated information, but on the rumours of pamphlets and newspapers; they were shewing themselves more ready to hear, than Ireland could be to pray: the Irish ingenuity in raising doubts, was outstript by the English alacrity in removing every imaginable cause of doubt.—He added, however, that he was far from meaning to convey any censure, either of the ingenuity of the individuals who had raised the doubt, or of the jealous sensibility of the people who had adopted it. A doubt originated by the noble lord, with whom he had lived twenty years in habits of friendship, forcibly stated in Ireland, by the legal precision of Mr. Walshe, supported by the admirable and unwearied abilities of Mr. Flood, and countenanced by the manly firmness and eminent integrity of the recorder of Dublin, was certainly not to be treated otherwise than with respect. Mr. Eden then stated the nature of the supposed doubt, its national tendency to engage popular attention, and the prudence of anticipating the desires of Ireland, if the King's ministers were prepared with a Bill really adequate to that purpose. He wished, however, that the business had been accompanied by something more than that prospect of peace which had been mentioned by Mr. Grenville; nothing indeed was wanting to give it full grace and energy, but a third letter to the lord mayor of London, communicating the conclusion of preliminaries; such a letter would have cut up, by the roots, the ungenerous, unmanly, and ill-founded notion, that Ireland owed these repeated attentions to the weakness and embarrassments of England. He felt himself disposed ever to think, and to speak of Ireland with gratitude, with affection, and with respect; but he did not think her at this hour an object of fear to any nation under the sun; she neither had, nor would have her due importance in the great scale of the globe, till she could be induced to think herself secure in quitting politics, and pursuing commerce; it was his object and wish to forward for her that happy and important moment. He never had admitted, nor would admit, that Ireland owed her acquisitions to the battalions of her volunteers, farther than as those volunteers were understood to express the general sense of the nation. His deference in these matters had been paid, not to their English firelocks, but to their Irish unanimity; he would have paid at least an equal deference to as many farmers or manufacturers, with the implements of their industry in their hands.

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The insinuation was not only ungenerous and untrue, but it was unwise; if the concessions were the forced fruits of Great Britain's embarrassments, what would be the natural fruits of her returning prosperity? Ireland ought then to found and rest her security, where she safely might, on the basis of national wisdom, national affection, and national faith.—The hon. gentleman next avowed his opinion, that was for the interest of an empire that a supremacy of legislation over all its constituent parts should reside within the metropolis or seat of the empire; but from the hour that he had felt the unhappy necessity of quitting that position, in regard to the distant dependencies of the British empire, he had felt and urged the expediency of renouncing it also in regard to Ireland. He had not been so clearly convinced of the expediency of abolishing the appellant jurisdiction, because he thought it beneficial to Ireland; but the representatives of Ireland thinking otherwise, he had acquiesced. Still less had he been satisfied with the alteration of Poyning's Law, by which all power of correcting Irish Bills, in either council, was abolished, and an extreme probability admitted of the two kingdoms frequently passing laws totally adverse to each other. He reminded Mr. Fox, that he had consented to that in the confidence only of measures being taken, pursuant to the Resolutions and Address, to establish the connection of the two kingdoms on a firm and permanent basis.—He added, that some such measures were now becoming unavoidably necessary. Mr. Yelverton's Bill had adopted only such statutes, mutually affecting the two kingdoms, as were then existing; and many under that description would expire at the close of the war, though they must be renewed in any future war. There were also many other temporary statutes; and in this question not only the conduct of the courts of Admiralty, the interests of the East-India Company, the fisheries, the light-houses, Greenwich hospital, and the regulations of the Navigation Act, would be found involved, but many greater interests of more essential importance. He was willing and desirous to leave these great objects of attention to those who possessed the confidence of his Majesty, and the confidence of parliament; but he hoped and trusted, for the perpetual peace and quiet of the two kingdoms, that they would not be neglected.

Colonel *Fitzpatrick* by no means rose to give any objection to the Bill. There was only one expression which he owned he found fault with, and that was, that there were doubts and jealousies subsisting in the kingdom of Ireland. He knew of no such doubts and jealousies, and that House knew of none. There had not come to their knowledge, by any petition, memorial, or representation whatever, any account of these jealousies, and therefore, he did not think it was either wise or salutary to say that this Bill was to be brought in on those accounts. Undoubtedly, it would not be wise to take the resolutions made at taverns and the stories printed in the newspapers, as proofs that the nation entertained jealousies. If they did this, they would never know where to stop; for they would always find there would start up some few individuals, who would, by weak pretexts, and under various masks, endeavour to raise clamours as distinct from the voice of the nation, as the purpose which they had in view was distinct from the true interests of the country.—He believed that there was no jealousy at this time subsisting in the kingdom of Ireland. He entertained the greatest confidence in the loyal disposition of the people of that country, and believed that they were most sincerely and anxiously bent on the maintenance of that solid friendship and perfect equality, which the measure of last session had established. The repeal of the 6th Geo. 1, was never intended as a security to the Irish against the introduction of appeals and writs of error into our courts. The right of the decision of writs of error in the British courts was never denied by the Irish lawyers, and it was a right to be conceded. As soon, therefore, as the Irish legislature was declared by the Act of last session to be independent, they passed an Act, prohibiting any farther appeals or writs of error from being sent to the British courts. This was done, and this was considered as amply sufficient; but since that time, on account of the decision of an Irish cause in the court of King's-bench, it might be proper to pass an act here, declaring that no other causes should be entertained. This could not be wrong, and it might do good. The custom of appeal to the jurisdiction of the courts of England by the writ of error, was coeval with the constitution of Ireland, consequently it neither originated in the 6th Geo. 1, nor was it taken away by the repeal of that Act.

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The ablest lawyers in Ireland were of opinion, that it was as old as the common law of the land, and therefore he conceived, that the parliament of Ireland had thought it necessary to pass a special Act last session for the regulation of it in future. This made some Bill to repeal the Act yet in force, which obliged the courts of law here to receive and proceed to decide upon any cause so brought before them, necessary to be brought in. As the matter stood at present, it was involved in absurdity; the English courts were bound by law to receive a writ of error from Ireland, although all their proceedings upon such writ were rendered nugatory in Ireland, by a late Act of the Irish parliament. Had a Bill to set this to rights been proposed, he should have thought government acted properly; nor should he have considered it at all inexpedient, had an explanation of the intentions of England in the repeal of the 6th Geo. 1, been inserted in such a Bill; but he could by no means admit, that it was either wise, necessary, or even warrantable to bring in a Bill on the ground of removing jealousies and discontents that had arisen on the interpretation of the repeal of the 6th Geo. 1. He begged to know to what paper on their table that House was to refer for a proof of the existence of any such discontents and jealousies? At the same time he must say, both for the government that passed the Act of last session, as well as for the gentlemen of Ireland, with whom they treated for the conclusion of the question, that the manner in which it was done, was resolved on after mature deliberation, and after weighing all possible modes which could be taken. That it was agreeable to the Irish nation, appeared from the famous address which had been already adverted to, and which might be said to have passed unanimously, as there were only two dissentient voices to the memorable expression, "that after granting these things, there could no longer remain any constitutional question between the two countries." That there should be some murmuring in certain persons in Ireland, notwithstanding all that had been done last year, was regarded by the present administration as a matter of alarm and surprize—to him the aspect of it was extremely different. Let any gentleman maturely weigh the whole of the case; let them recollect the acrimonious contest for power, that had so long subsisted between the two countries; let him consider what Ireland had extorted from one minister! He used the word extorted, because when he saw a minister give with a profuse hand one year, what when but sparingly and humbly asked, he had denied the year before, he could consider it in no other point of view than as a concession extorted. Lastly, let him turn his thoughts back to what Ireland had gained in May last, and he was persuaded the gentleman who duly considered these things would see, that the present discontents and jealousies, allowing for a moment that they existed, were only the natural consequences of what he had stated, as having preceded them. The minds of men in Ireland had been worked up into a kind of political fever; and he who expected that they would subside altogether in an instant, and grow every where perfectly calm and temperate, must be equally unacquainted with the state, humours, and sensations of the body politic and the body natural. It was naturally to be imagined, that there would be in that, as there must be in all countries, certain restless spirits, to whom the return of peace and order must be unfavourable. That such men should be ready to propagate stories and suspicions was not strange; and it was no ways to be wondered at, if by their address and cunning they should bring over a certain set of men to listen to them. But was a wise and prudent government to call such clamours the voice of the nation? Certainly not: and he therefore wished that on the present occasion there had not been any mention made of the jealousies of the Irish nation.

Lord *Beauchamp* said, that having given notice before the holidays, that he intended to move some propositions relative to Ireland, it might be expected that he should say a few words on this occasion: he was always much more attached to measures than to men; and as he found that what he intended to have done was now taken up by persons who could much more effectually go through the business than he could, he should rejoice at seeing that done, which he was of opinion ought to be done. That there were jealousies in Ireland was not to be doubted; that there were grounds for those jealousies was an incontrovertible proposition: the right hon. gentleman who spoke last had made it appear evident; although he did not expect to hear from that hon. gentleman, that the grievances or jealousies of a nation could not be collected from resolu-

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tions made at taverns, and published in newspapers; he did not expect to hear this said by him: but he had said that the writ of error from Ireland, returnable into the King's Bench of England, was coeval with the constitution of Ireland; it was impossible, therefore, that the mere repeal of the 6th of Geo. 1, could take this writ away: now, if it did not take it away, with what truth in argument could the right hon. gentleman say, that this country had completely surrendered every legislative, every judicial jurisdiction over Ireland. But the right hon. member would say, "it was only of the appellant jurisdiction of the House of Lords that the Irish complained." To what did a writ of error brought into the King's Bench here ultimately tend? Why, to establish that very appellant jurisdiction of the British House of Lords, of which the Irish had complained; for no man could doubt but the party, who, in the appeal to the King's Bench should think himself aggrieved, was by law entitled to take out a writ of error returnable in parliament; and thus the English lords would come once more into possession of that very judicial jurisdiction which the right hon. gentleman would have the Irish erroneously believe had been fully surrendered up to them. His lordship took up the other branch of jurisdiction—the legislative; and maintained, that the Irish had been as much deceived in this point as in the former: for though it was erroneously said, that the rights of England over Ireland in matters of legislation had been surrendered, scarce three weeks had passed, when the English parliament legislated for Ireland, by passing an Act prohibiting the exportation of blocks used in callico-printing; in this Act, Ireland was expressly named, notwithstanding the very recent repeal of the 6th of Geo. 1. Had not the Irish a just cause for being alarmed at this breach of faith with them? But was this the only instance of attempting to legislate for Ireland? No: for that kingdom was expressly named in the Act which opened the British ports for the importation of sugars, &c. the produce of St. Kitt's, and other late British islands in the West-Indies. Surely an attempt to open the ports of a kingdom was one of the highest acts of sovereign power; and yet this power the British parliament had assumed, just after they had, in the opinion of the right hon. gentleman, surrendered all legislative authority over Ireland. Was it unnatural, then, that jealousies should subsist in that country? He was very willing to allow, that in these cases the word Ireland had slipped in by oversight, and that it had passed the House through that indifference and inattention which but too strongly prevailed. He did not doubt the sincerity of their intentions, but the matter might naturally excite disturbance in Ireland. And if none of all this had been done, a transaction had taken place at the close of the last session, which of itself might well excite jealousies, and keep them alive; for a noble lord in the upper House had read in his place a Bill, which he said he would at another period move for leave to bring in; which Bill proposed to resume and maintain the right of England to legislate externally for Ireland. Were the people of that country to be the sport and caprice of every man? Were they to have no other tenure, no other security for their rights, than the construction of law, than the mere repeal of a Declaratory Act? Which repeal, according to the interpretation even of the gentleman who stood up so strenuously for this proposition, that England had fully and completely surrendered all legislative and judicial jurisdiction over Ireland, left the writ of error to the King's Bench here, and the consequent eventual appeal to the lords of England, precisely where it found them. If this was the case, what security had the people of Ireland against a revival of the power of legislation, and the right of judicature? Surely something more than a construction of law was necessary; a record on the Journals of parliament, which should prevent any future generation from explaining away the intention of the legislature of this day, would be necessary; this and this alone would suffice. That the parliament of Ireland would deem it disrespectful that any thing should be done in England, while they were not sitting to allay jealousies, which they were said to have declared had entirely subsided, was puerile; for it could not be supposed, that the parliament would take offence at any measure, the sole tendency of which was to give efficacy to the claims of rights which they had urged to this country. But had that parliament really declared that all jealousy had subsided? The Addresses of both Houses differed essentially; and that from the Lords particularly mentioned the renunciation, not of the rights, but of all claims of England over Ireland: now if claims were set up, and they were

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not only set up, but asserted in the several instances he had mentioned, could it be supposed that the Irish parliament would shew no jealousy at their meeting? Was it not therefore wise and prudent in ministers to avail themselves of the present circumstance, when one parliament is sitting and the other not, to take such steps as would effectually stifle all jealousy, and draw from the parliament of Ireland, at their next meeting, addresses of affection, of kindness, of generosity, instead of gloomy and resentful remonstrances?

Mr. *W. Grenville* said, that the motion did not state that there had arisen jealousies in Ireland: the words were simply to remove doubts that had arisen, or that might arise.

Mr. *Fox* rose, not, he said, to oppose or censure the present motion by any means. It might appear to some men's minds extremely expedient; to others it was evidently right, and indicated a degree of necessity, of which, however, for one he was clear to own he did not see the ground. But as a measure, of which he did not perceive any either very good or bad consequences, he would not give it an opposition; at the same time, he trusted, no member would consider it as resulting from what had passed in that House last year, relative to the affairs of Ireland. Whoever would now come forward, and arraign that wise, salutary, and important measure, as producing grievances which now required the interference of the legislature, he would deliver it as his opinion, did not understand the business. He had every reason to be convinced, as he certainly was in the fullest manner, that the measure to which he alluded occasioned general satisfaction throughout the whole kingdom of Ireland. It was impossible but it must have been as he had stated it. Did the requisition of Ireland extend to a single point which had not by the British parliament been granted to them, and granted to them in the most unequivocal and explicit terms? Did not the repeal of the Act of the 6th of George 1, demonstrate that this country was far from claiming any jurisdiction over them? Was not this repeal most happily connected with a variety of circumstances which went to the same effect? Had his Majesty's ministers, for the time being, calculated erroneously, or proceeded on these principles, without mature consideration? Their plan was, however, sufficiently justified by the event. For what was the language of Ireland at that time? Did not the whole kingdom breathe the most heart-felt gratitude? He was persuaded the friends of the Bill proposed by the right honourable Secretary would not, therefore, impute it to that measure, or hold up the one as an amendment or completion of the other. This, in his opinion, would be acting unfairly and unjustly; as the complaints of Ireland, so far as they then went, had been, even in their own ideas, satisfactorily answered. It was true, a reference, by writs of error to the court of King's-bench in this country, was not included in a full renunciation of her rights of supreme jurisdiction over Ireland, neither was it demanded of us by them. It was very well if their desires and petitions were granted when put. The Address, as transmitted from Ireland, fully evinced the reception which the resolves and decrees of the British legislature had met with from them. These were collected by the parliament of Ireland, who were certainly competent judges of their sincerity and expedience. The plain English, therefore, of there being still something more necessary than had yet been done, and that the doubts and discontents of the Irish were the grounds of the present motion, was, that we know what the people of Ireland think, and how they feel, better than their own parliament does; and though their parliament should think them pleased, we know they are not; they are full of doubts and diffidence, in so much that an act of the British legislature is still necessary to allay their fears, and persuade them that our intentions are sincere and liberal. He thought this a strange mode of reasoning, but was sorry no other could well account for the present motion. It was, in his apprehension, doing violence to human nature, as he was certain confidence could never result from any exertion of the legislature. It was, in its own nature, voluntary. A profusion of professions never had, and he would venture to predict, never would, either produce or confirm it. It did not become an English parliament to interfere about the appeals in matters of right, by writs of error. This was, in his opinion, competent only to the parliament of Ireland, who, by the repeal of the 6th of George 1, were virtually invested with full powers to regulate every domestic inconvenience according to their own discretion, without the controul of any power on earth. This they had actually



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done, and a Bill for the purpose had received the royal assent. Any thing farther did not, therefore, strike him as in the smallest degree essential or indispensible, either to their general content or convenience. It was not his design to go farther into the business. He was led thus far from the tone adopted by the several hon. gentlemen who had already spoken. Ill as some might think it became him, he, notwithstanding, would hazard one piece of advice to his Majesty's ministers; this business must have an end some time or other; and the question now was, how should they draw the line, and where would it be possible for them to stop? It was madness to imagine, that any measure whatever could not, and would not be cavilled at. The people of Ireland, like all other people in similar circumstances, would speculate on public affairs. But surely all rumours were not objects of sufficient importance to interest the attention of that House, or when they did, no man could imagine that any statute, or preamble to a statute, or form whatever, would totally suppress them. But the hon. gentleman begged he might not be misunderstood on the other side of the water, as if he retained any wish to support the supremacy of Great Britain. His sentiments on that head were well known. He only wished that ministers would come to the resolution of making a stand somewhere, that they would take the most permanent station, and by their conduct put it out of the power of party, prejudice, or any other bad principle, to misrepresent their meaning, or doubt their sincerity. Reason, equity, justice, and expediency, were motives which could never be mistaken; and whenever they assumed these for the grounds of their system, it would prove a solid and effective one. But he trusted no latent designs against the rights and liberties of any subjects to the crown, would ever be seriously imputed to a British ministry. He vowed to God he would rather relinquish the dependence on the crown of England altogether, than see them subjected to it by force of arms. There was a point, he had always seen, where we ought to have stopped with America. This might serve as a warning how we let ourselves down, or lessened the dignity and consequence of parliament, by bringing matters under its cognizance which were beneath its attention. He was therefore not a little anxious that an end should be put to this kind of business, and that it might be sufficiently understood on both sides of the water, that the English parliament had come to some final resolution. It had been frequently imputed to him, that his opposition was rather to men than measures. He had wished to meet that idea, as he frankly confessed himself not endowed with such talents as were sufficiently calculated to distinguish between men and measures. Most people, of whom he was one, were very apt to judge of the actions by what they knew of the man. This business had been very fully discussed last year, and those nearly interested had signified the most perfect and entire acquiescence in the determination of the British legislature. Many circumstances conspired to fill them with confidence in those who then had the management of government. He would declare openly, because he declared it from the fullest conviction of the fact, that there never was a government in Ireland conducted on more upright and popular principles, than that conducted by the duke of Portland. While he was there, the country was at least free from dissention and uproar. But now, since another government had taken place, rumours of destruction were industriously circulated. The terms prescribed by Ireland, and acceded to by Britain, were all at once inadequate to the satisfaction of her subjects. The wisest and ablest people on that side the water had been consulted; and the ministers who were then in the cabinet, acted on their information and ideas. The honour of these gentlemen had been hitherto deemed unimpeachable and unblemished, and yet here was a measure agitated which supposed a material miscarriage somewhere. And the address to the people of Ireland, was in words somewhat to this effect: "Your friends have not by any means done by you so liberally as we will. You think they have done you justice; but you are mistaken, and we will do what you imagined they did." This, he said, was making themselves popular at the expence of those who had gone before them, and, by doing more than was necessary, saying their predecessors had done less. It ever had, and was still, his confirmed opinion, that, by repealing the statute of the 6th of George 1, every thing was amicably settled. It came up, at least, to all that he had ever conceived as incumbent on this country to Ireland. The repeal was simple, but it was decisive. It

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would not have been proper to have said, in so many words, that whereas Ireland has been so long under the jurisdiction of this country, be it therefore henceforward declared independent. This was not language that would have been relished by the people of Ireland: nor on the part of Great Britain was it decent to say, that whereas she had usurped rights which were not hers, she therefore now, and for ever, restored them to their lawful owners. But by an actual repeal of that act of the legislature by which such prerogatives had been assumed, she certainly, and to all intents and purposes, relinquished every shadow of jurisdiction and supremacy. He was not, however, disposed to raise any opposition to the motion whatever; only he would protest against its drawing along with it any of the senses or constructions he had specified. It was chiefly for this reason, and with this view, he had made it the subject of so much remark. He agreed that something ought to be done with Mr. Yelverton's Bill, in order to settle the commercial points, and concluded with wishing ministers would not, in any other part of their conduct, render themselves more reprehensible than they had done in this.

Mr. *Grenville* rose to explain, as he suspected what had fallen from him might be misconstrued by the animadversions of the hon. gentleman, as if he had meant to throw any reflection on those gentlemen who at the time of formerly agitating this business, were at the head of the government of Ireland. Nothing could be further from his intentions, as he possessed the highest respect both for their honour and abilities. Neither did he conceive any thing uttered by him, in the most distant degree could be tortured into a mean opinion of those in Ireland, by whose information the repeal of the 6th of George 1, had been deemed sufficient redress of grievances.

Mr. *Eden* said, that Mr. Fox, in admitting the propriety of the settlement which he had suggested respecting commercial points, had greatly narrowed the idea which he meant to convey. When he voted for the Address on the 17th of May, he relied on a treaty being opened between the two parliaments, for the purposes of arranging not only the points he had already specified, but all the great questions involved in the future events of peace and war, foreign alliances, commercial treaties, limitation of armies, building and support of navies, proportionable supplies, with the whole immense detail under each of those heads. He should then, and not till then, think that the connection was established; and when the two kingdoms had thus realized and secured one constitution, one commerce, one king, one friend, one enemy, and one fate, it would become impossible for any man to wish the prosperity of the one country more ardently or more earnestly than the prosperity of the other.

Mr. Chancellor *Pitt* did not rise to reply to any objections which had been made, against the motion. There had, in fact, been none offered, of weight enough to deserve a serious answer. Those who had discovered any marks of aversion, however, had quarrelled with the title of the Bill proposed, but in his apprehension rather prematurely; for the Bill was not founded on doubts, or any other species of mistrust, but intended only to prevent them. He could not dispute the correctness of those who said there were no dissentions in Ireland; or, however, none so serious or alarming as to authorise the interference of the British legislature; but he would say, that his information was of a very different nature, and led him to form very different conclusions. And whatever credit might be given to the former decisions of parliament concerning the affairs of Ireland, it was plain to him these decisions had not operated so effectually and universally as was represented. The present measure he would therefore still beg leave to consider as arising out of the former, and even tending to complete it. A diffidence was undoubtedly gone forth, that had been naturally enough generated from what the people of Ireland conceived as imperfect; and ministers wished only to follow up the idea, and conduct themselves by something like a system. He was accordingly not a little anxious for such an unanimity in the House as would give the motion a certain degree of weight and authority with the people of Ireland; and he then hoped, that notwithstanding what had been done by any former administration, they should be enabled to go through the business in a liberal and magnanimous manner, not only to the satisfaction of Ireland, but also to the honour of the British parliament.

Leave was given to bring in the Bill.

*Debate on the Launceston Election Petition.*] Jan. 28. The Earl of *Surrey* pre-

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sented a petition to the House from the borough of Launceston. His lordship said, that he ought to apologise for undertaking to present a petition from any part of a county with which he had no connection, in which he had no property, and consequently no personal interest; and perhaps he was the less excusable, as the borough from which the petition came had two representatives in the House; one of them, however, would do him the justice to say, that he had offered him the petition, and requested he would present it; but the hon. member (Mr. Perceval) had declined it. His lordship stated, that he had received a letter from an inhabitant of Launceston, in which the writer complained that the great bulk of the wealthy householders were deprived of the benefits that electors in other places enjoyed: by this his lordship presumed, that the writer meant the mere benefit of the franchise, and not the benefits of corruption; an idea that he flattered himself no man would presume to suggest to that House. The petition was then read, setting forth, "That the borough of Launceston is an ancient borough, and has constantly time out of mind, sent two members to parliament; by the charter of Philip and Mary it was incorporated by the name of "Mayor and Commonalty," with a power to the said mayor and commonalty and eight aldermen, or mayor and majority of them, to elect freemen from the most honest, most discreet, and most respectable of the inhabitants, and from the freemen to make choice of eight men, or a common council, to be assistants to the said mayor and aldermen; that the first mayor, Thomas Hicks, by and with the consent of the eight aldermen, under the original charter, elected a number of freemen, and from the most honest, discreet, and respectable of those freemen, made choice of eight men, as a common council, or assistants, and as often as a vacancy happened in the aldermanic body, supplied the same from the common council, keeping up the number of freemen to preserve the independency of the borough; and that the custom of supplying the upper bench from the lower, and keeping up the number of freemen, under the old charter, was observed for more than two centuries; that this custom prevailed in the years 1722 and 1734 will appear from the poll-books at the two contested elections which happened at those periods, at the first of which upwards of 60 freemen, exclusive of the mayor, aldermen, and common council, voted, at the second 44; and that from the above æra the body of common council lost its influence, as the aldermanic body was supplied sometimes from the common council, but more frequently from the freemen at large: that about 20 years ago the body of the common council was annihilated, and within these 14 years no freemen have been elected but partially, to supply the aldermanic body; that the present freemen are only 10, two of which at least are under the influence of the mayor and aldermen; that about 20 years ago the mayor and aldermen were men of very great property within the borough, as will appear from the land and poor rates; that the sum total of the latter amounts to 172*l.* 6*s.* 8*d.* to which the mayor and aldermen, as a body and individuals, contribute the sum of 22*l.* 4*s.* 4*d.* and the residue is discharged by the principal inhabitants and freeholders of the said borough. In consequence of these facts, and lest the mayor and aldermen should assume to themselves the sole right of returning members to parliament, of which the petitioners are very apprehensive, from their frequent declarations, the principal inhabitants and freeholders of the said borough humbly petition the honourable the Commons of Great Britain to restore a more equal right of representation to the inhabitants of the said borough, and to extend that right in such a manner that a few who have unjustly usurped the power may not exercise the natural and inherent privileges of the many, or to afford them such other relief as is consistent with the claims of their fellow citizens throughout the kingdom, or with the wisdom of the House."

Mr. *Perceval* reprobated the spirit and tendency of the Petition. He thought it altogether groundless, and that it originated in no very respectable motives. The censure conveyed against him on deliberate consideration, he trusted, would be found premature, as he deemed the whole business exceedingly unnecessary and ill-timed.

The Earl of *Surrey* declared, that if the constitution was still to remain in its present situation, he should have no objection whatever to that noble duke's sending up whoever he pleased; as in his opinion, the delegate of one noble family was just as good as the delegate of another. But his lordship hoped, that this would no longer be the case, as they were not to

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look any where for the members of whom that House was composed, but to the great body of the people at large, and not, as was the mode now, to receive them from an aristocracy.

Mr. *Burke* observed, that though this petition concerned only a single borough, yet gentlemen would find themselves mistaken if they should imagine that it did not involve a question of the very last importance: this petition having opened the door, many others would follow of course; and therefore the question now was not, whether the right of voting in the borough of Launceston should be extended or not? but, whether the ancient and venerable fabric of the constitution should remain untouched? It had now borne the test of ages, and was venerable not less for its antiquity than for the happiness that had been enjoyed under it by the subjects. He would therefore warn ministers how they should attempt to raise a cry against the constitution. If any member thought the representation of the people imperfect, he certainly had a right to say so, and propose any resolutions he pleased on that head; but still with the responsibility of credit and character. If ministers in either House of Parliament should interfere, and take a lead in this business, he would warn them not to attempt to deface the venerable pile; he would warn them to come prepared with a well digested plan for a better representation, before they should dare to touch the hallowed shrine; he hoped they would not bring any crude proposition, which would not answer any good end: for if it should be proposed to resolve that the constitution of that House was imperfect, and that it should be afterwards found expedient to adopt the system that should be proposed to better it, the consequence would be, that the House of Commons, the people's last hope, would find itself sunk in the estimation of the public, while no remedy could be found to avert this evil. He over and over again warned ministers, either not to interfere in the business, or to draw up such a plan, as must strike every man as greatly worthy of being adopted by the legislature.

The Petition was ordered to lie upon the table.

PRELIMINARY ARTICLES OF PEACE.] Jan. 27. Viscount Grantham and Mr. Secretary Townshend presented to both Houses the Preliminary Articles with France, the Preliminary Articles with Spain, and the Provisional Articles with America. The following are official Copies of the same:

Translation of the Preliminary Articles of Peace, between his Britannic Majesty, and the most Christian King, signed at Versailles, the 20th January 1783.

In the name of the most Holy Trinity.

The King of Great Britain, and the most Christian King, equally animated with a desire of putting an end to the calamities of a destructive war, and of re-establishing union and good understanding between them, as necessary for the good of mankind in general, as for that of their respective kingdoms, states and subjects, have named for this purpose, viz. On the part of his Britannic Majesty, Mr. Alleyne Fitz-Herbert, minister plenipotentiary of his said Majesty the King of Great Britain; and on the part of his most Christian Majesty, Charles Gravier Comte de Vergennes, counsellor in all his councils, commander of his orders, counsellor of state, minister and secretary of state, and of the commands and finances of his said Majesty for the department of foreign affairs; who, after having duly communicated to each other their full powers in good form, have agreed on the following Preliminary Articles:

Art. 1. As soon as the Preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic Majesty and his most Christian Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world: orders shall be sent to the armies and squadrons, as well as to the subjects, of the two powers, to stop all hostilities, and to live in the most perfect union, forgetting what is passed, of which their sovereigns give them the order and example; and for the execution of this Article, sea passes shall be given on each side for the ships which shall be dispatched to carry the news of it to the possessions of the said powers.

Art. 2 His Majesty the King of Great Britain shall preserve in full right the island of Newfoundland, and the adjacent islands, in the same manner as the whole was ceded to him by the 13th Article of the treaty of Utrecht, save the exceptions which shall be stipulated by the 5th Article of the present Treaty.

Art. 3. His most Christian Majesty, in order to prevent quarrels which have hi-

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therto arisen between the two nations of England and France, renounces the right of fishing, which belongs to him by virtue of the said Article of the treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in about 50 degrees of north latitude: whereby the French fishery shall commence at the said Cape St. John, shall go round by the North, and, going down the western coast of the island of Newfoundland, shall have for boundary the place called Cape Raye, situated in 47 degrees 50 minutes latitude.

Art. 4. The French fishermen shall enjoy the fishery assigned them by the foregoing Article, as they have a right to enjoy it by virtue of the treaty of Utrecht.

Art. 5. His Britannic Majesty will cede in full right to his most Christian Majesty the islands of St. Pierre and Miquelon.

Art. 6. With regard to the right of fishing in the Gulph of St. Laurence, the French shall continue to enjoy it conformably to the 5th Article of the treaty of Paris.

Art. 7. The King of Great Britain shall restore to France the island of St. Lucia, and shall cede and guaranty to her that of Tobago.

Art. 8. The most Christian King shall restore to Great Britain the islands of Grenada, and the Grenadines, St. Vincent's, Dominica, St. Christophers, Nevis, and Montserrat: and the fortresses of those islands conquered by the arms of Great Britain, and by those of France, shall be restored in the same condition in which they were when the conquest of them was made: provided that the term of eighteen months, to be computed from the time of the ratification of the definitive Treaty, shall be granted to the respective subjects of the crowns of Great Britain and France, who may have settled in the said islands, and in other places which shall be restored by the definitive Treaty, to sell their estates, recover their debts, and to transport their effects, and retire without being restrained on account of their religion, or any other whatever, except in cases of debt, or of criminal prosecutions.

Art. 9. The King of Great Britain shall cede and guaranty in full right to his most Christian Majesty, the river of Senegal, and its dependencies, with the forts of St. Louis, Poder, Galam, Arguin, and Portendie: his Britannic Majesty shall restore likewise the island of Gorée, which shall be given up in the condition in which it was when the British arms took possession of it.

Art. 10. The most Christian King shall, on his side, guaranty to his Majesty the King of Great Britain, the possession of Fort James, and of the river Gambia.

Art. 11. In order to prevent all discussion in that part of the world, the two courts shall agree, either by the definitive Treaty, or by a separate Act, upon the boundaries to be fixed to their respective possessions. The gum trade shall be carried on in future, as the English and French nations carried it on before the year 1755.

Art. 12. In regard to the rest of the coasts of Africa, the subjects of both powers shall continue to frequent them, according to the custom which has prevailed hitherto.

Art. 13. The King of Great Britain shall restore to his most Christian Majesty all the establishments which belonged to him at the commencement of the present war on the coast of Orixa, and in Bengal, with liberty to surround Chandernagor with a ditch for draining the waters; and his Britannic Majesty engages to take such measures as may be in his power, for securing to the subjects of France in that part of India, as also on the coasts of Orixa, Coromandel, and Malabar, a safe, free, and independent trade, such as was carried on by the late French East India Company, whether it be carried on by them as individuals, or as a company.

Art. 14. Pondicherry, as well as Karical, shall likewise be restored and guarantied to France; and his Britannic Majesty shall procure to serve as a dependency round Pondicherry, the two districts of Valanour and Bahour; and as a dependency round Karical, the four contiguous magans.

Art. 15. France shall again enter into possession of Mahé, and of the comptoir at Surat; and the French shall carry on commerce in this part of India, conformably to the principles laid down in the 13th Article of this Treaty.

Art. 16. In case France has allies in India, they shall be invited, as well as those of Great Britain, to accede to the present pacification; and for that purpose, a term of four months, to be computed from the day on which the proposal shall be made to them, shall be allowed them to make their decision; and in case of refusal on their part, their Britannic and

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most Christian Majesties agree not to give them any assistance, directly or indirectly, against the British or French possessions, or against the ancient possessions of their respective allies; and their said Majesties shall offer them their good offices towards a mutual accommodation.

Art. 17. The King of Great Britain, desirous of giving his most Christian Majesty a sincere proof of reconciliation and friendship, and of contributing to the solidity of the peace which is on the point of being re-established, will consent to the abrogation and suppression of all the Articles relative to Dunkirk, from the Treaty of peace concluded at Utrecht in 1713, inclusively, to this time.

Art. 18. By the definitive Treaty, all those which have existed till now between the two high contracting parties, and which shall not have been derogated from, either by the said Treaty, or by the present preliminary Treaty, shall be renewed and confirmed; and the two courts shall name commissioners to enquire into the state of commerce between the two nations, in order to agree upon new arrangements of trade, on the footing of reciprocity and mutual convenience. The said two courts shall together amicably fix a competent term for the duration of that business.

Art. 19. All the countries and territories which may have been or which may be conquered, in any part of the world whatsoever, by the arms of his Britannic Majesty, or by those of his most Christian Majesty, and which are not included in the present Articles, shall be restored without difficulty, and without requiring compensation.

Art. 20. As it is necessary to assign a fixed epoch for the restitutions and the evacuations to be made by each of the high contracting parties, it is agreed, that the King of Great Britain shall cause to be evacuated the islands of St. Pierre and Miquelon, three months after the ratification of the definitive Treaty, or sooner if it can be done; St. Lucia, in the West Indies, and Gorée in Africa, three months after the ratification of the definitive Treaty, or sooner if it can be done. The King of Great Britain shall, in like manner, at the end of three months after the ratification of the definitive Treaty, or sooner if it can be done, enter again into possession of the islands of Grenada, the Grenadines, St. Vincent, Dominica, St. Christopher's, Nevis, and Montserrat. France shall be put into possession of the towns and comptoirs which are restored to her in the East Indies, and of the territories which are procured for her, to serve as dependencies round Pondicherry, and round Karical, six months after the ratification of the definitive Treaty, or sooner if it can be done. France shall, at the end of the same term of six months, restore the towns and territories which her arms may have taken from the English, or their allies, in the East Indies. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the definitive Treaty.

Art. 21. The prisoners made respectively by the arms of his Britannic Majesty, and his most Christian Majesty, by land and by sea, shall be restored reciprocally and *bonâ fide*, immediately after the ratification of the definitive Treaty, without ransom, and on paying the debts they may have contracted during their captivity; and each crown shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles, which shall be produced on each side.

Art. 22. In order to prevent all causes of complaint and dispute which may arise on account of prizes which may be made at sea after the signing of these preliminary Articles, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel, and in the North Seas, after the space of 12 days to be computed from the ratification of the present preliminary Articles, shall be restored on each side. That the term shall be one month, from the Channel, and the North Seas, as far as the Canary Islands, inclusively, whether in the ocean or in the Mediterranean. Two months, from the said Canary Islands, as far as the equinoctial line, or equator. And lastly, five months in all other parts of the world, without any exception, or any other more particular description of time and place.

Art. 23. The ratifications of the present preliminary Articles shall be expedited in good and due form, and exchanged in the space of one month, or sooner if it can be done, to be computed from the day of the signature of the present Articles.

In witness whereof, we the under-writ-

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ten ministers plenipotentiary of his Britannic Majesty, and of his most Christian Majesty, by virtue of our respective full powers, have signed the present preliminary Articles, and have caused the seal of our arms to be put thereto.—Done at Versailles, the 20th of January, 1783.

ALLEYNE FITZ-HERBERT. (L. S.)
GRAVIER DE VERGENNES. (L. S.)

Translation of the Preliminary Articles of Peace, between his Britannic Majesty and the most Catholic King, signed at Versailles, Jan. 20, 1783.

In the name of the most Holy Trinity. The King of Great Britain and the King of Spain, equally animated with a desire of putting an end to the calamities of a destructive war, and of re-establishing union and good understanding between them, as necessary for the good of mankind in general, as for that of their respective kingdoms, states, and subjects, have named for this purpose, viz. on the part of his Majesty the King of Great Britain, Mr. Alleyne Fitz-Herbert, minister plenipotentiary of his said Majesty; and on the part of his majesty the king of Spain, Don Peter Paul Abarea de Bolea Ximines d'Urnea, &c. count of Aranda and Castel Florido, marquis of Torres, of Villanan and Rupit, viscount of Rueda and Yoch, baron of the baronies of Gavin Sietano, Clamosa, Eripol, Trazmoz, La Mata de Castil-Viego, Antillon, La Almolda, Cortés, Jorva, St. Genis, Robovillet, Oreau, and St. Colome de Farnés, lord of the tenance and honour of Alcalatén, the valley of Rodellar, the castles and towns of Maella, Mesones, Tiurana de Villaplana, Taradell and Viladran, &c. rico-hombre in Aragon by birth, grandee of Spain of the first class, knight of the order of the Golden Fleece, and of that of the Holy Ghost, gentleman of the king's bedchamber in employment, captain general of his armies, and his ambassador to his most Christian Majesty; who, after having duly communicated to each other their full powers in good form, have agreed on the following preliminary Articles:

Art. 1. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic Majesty and his Catholic Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects of the two powers, to stop all hostilities, and to live in the most perfect union, forgetting what has passed, of which their sovereigns give them the order and example. And for the execution of this Article, sea passes shall be given on each side for the ships which shall be dispatched to carry the news of it to the possessions of the said powers.

Art. 2. His Catholic Majesty shall keep the island of Minorca.

Art. 3. His Britannic Majesty shall cede to his Catholic Majesty East Florida, and his Catholic Majesty shall keep West Florida, provided that the term of 18 months, to be computed from the time of the ratification of the definitive Treaty, shall be granted to the subjects of his Britannic Majesty, who are settled as well in the island of Minorca as in the two Floridas, to sell their estates, recover their debts, and to transport their effects, as well as their persons, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts and criminal prosecutions. And his Britannic Majesty shall have power to cause all the effects that may belong to him in East Florida, whether artillery or others, to be carried away.

ART. 4. His Catholic Majesty shall not for the future suffer the subjects of his Britannic Majesty, or their workmen, to be disturbed or molested, under any pretence whatsoever, in their occupation of cutting, loading, and carrying away log-wood, in a district of which the boundaries shall be fixed; and for this purpose they may build without hindrance, and occupy without interruption, the houses and magazines necessary for them, for their families, and for their effects, in a place to be agreed upon either in the definitive Treaty, or within six months after the exchange of the ratifications; and his said Catholic Majesty assures to them by this Article, the entire enjoyment of what is above stipulated, provided that these stipulations shall not be considered as derogatory in any respect from the rights of his sovereignty.

Art. 5. His Catholic Majesty shall restore to Great Britain the islands of Providence and the Bahamas, without exception, in the same condition in which they were when they were conquered by the arms of the king of Spain.

Art. 6. All the countries and territories which may have been or may be conquered, in any part of the world whatsoever, by the arms of his Britannic Majesty, or



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by those of his Catholic Majesty, and which are not included in the present Articles, shall be restored, without difficulty, and without requiring compensations.

Art. 7. By the definitive Treaty, all those which have existed till now between the two high contracting parties, and which shall not be derogated from either by the said Treaty, or by the present preliminary Treaty, shall be renewed and confirmed; and the two courts shall name commissioners to enquire into the state of commerce between the two nations, in order to agree upon new arrangements of trade on the footing of reciprocity and mutual convenience; and the two said courts shall together amicably fix a competent term for the duration of that business.

Art. 8. As it is necessary to assign a fixed epoch for the restitutions and evacuations to be made by each of the high contracting parties, it is agreed, that the King of Great Britain shall cause East Florida to be evacuated three months after the ratification of the definitive Treaty, or sooner if it can be done. The King of Great Britain shall likewise enter again into possession of the Bahama Islands without exception, in the space of three months after the ratification of the definitive Treaty. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the definitive Treaty.

Art. 9. The prisoners made respectively by the arms of his Britannic Majesty and his Catholic Majesty, by sea and by land, shall, immediately after the ratification of the definitive Treaty, be reciprocally and *bonâ fide* restored without ransom, and on paying the debts they may have contracted during their captivity; and each crown shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles, which shall be produced on each side.

Art. 10. In order to prevent all causes of complaint and disputes which may arise on account of prizes which may be made at sea after the signing of these preliminary Articles, it is reciprocally agreed, that the ships and effects which may be taken in the channel, or in the North Seas, after the space of twelve days, to be computed from the ratification of the present preliminary Articles, shall be restored on each side. That the term shall be one month from the Channel and the North Seas, as far as the Canary Islands, inclusively, whether in the ocean or in the Mediterranean; two months from the said Canary Islands, as far as the equinoctial line, or equator; and lastly, five months in all other parts of the world, without exception, or other more particular description of time and place.

Art. 11. The ratifications of the present preliminary Articles shall be expedited in good and due form, and exchanged in the space of one month, or sooner if it can be done, to be computed from the day of the signature of the present Articles.

In witness whereof, we the underwritten ministers plenipotentiary of his Britannic Majesty and of his Catholic Majesty, by virtue of our respective powers, have agreed upon and signed these preliminary Articles, and have caused the seal of our arms to be put thereto.

Done at Versailles, the 20th day of January 1783.

ALLEYNE FITZ-HERBERT.
LE COMTE D'ARANDA.

Copy of PROVISIONAL ARTICLES signed at Paris, November 30th 1782, by the Commissioner of his Britannic Majesty, and the Commissioners of the United States of America.

Articles agreed upon, by and between Richard Oswald, esq., the Commissioner of his Britannic Majesty, for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty, on the one part; and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part; to be inserted in, and to constitute, the Treaty of Peace, proposed to be concluded between the crown of Great Britain and the said United States; but which Treaty is not to be concluded until terms of a Peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such Treaty accordingly.



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Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the Articles of the proposed Treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

Art. 1. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusets Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent states; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claim to the government, propriety, and territorial rights of the same, and every part thereof: and that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries; viz.

Art. 2. From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the north westernmost head of Connecticut river; thence down along the middle of that river, to the 45th degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river, into lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication, into lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake, to the water communication between that lake and lake Superior; thence through lake Superior, northward of the isles Royal and Phelipeaux, to the Long lake; thence through the middle of said Long lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake, to the most north western point thereof, and from thence, on a due west course, to the river Mississippi; thence, by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the 31st degree of north latitude;—south, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof, to its junction with the Flint river; thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic ocean;—east, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north, to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

Art. 3. It is agreed, That the people of the United States shall continue to enjoy, unmolested, the right to take fish, of every kind, on the grand bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have liberty to take fish, of every kind, on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks, of Nova Scotia, Magdalen islands, and Labrador, so long as the same

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shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Art. 4. It is agreed, That creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bonâ fide* debts heretofore contracted.

Art. 5. It is agreed, That the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties, of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail; and that Congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands or properties since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Art. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the Treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Art. 7. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other; wherefore, all hostilities, both by sea and land, shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbour within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Art. 8. The navigation of the Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

Art. 9. In case it should so happen, that any place or territory belonging to Great Britain, or to the United States, should be conquered by the arms of either, from the other, before the arrival of these Articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, the 30th day of November, in the year 1782.

RICHARD OSWALD, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)
HENRY LAURENS, (L. S.)

Witness,
CALEB WHITEFOORD,
Secretary to the British Commission.
W. T. FRANKLIN,
Secretary to the American Commission.

*Debate in the Commons on a Motion for Printing the Preliminary Articles of Peace.*] When the papers had been read, Mr. Townshend moved, that they might

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lie upon the table for the inspection of the members, which was agreed to.

Lord *Newhaven* said, that as the public were so deeply interested in the Articles that had been read, it was but just that they should be fully apprised of their contents. He therefore moved, that the Articles be printed.

Mr. Secretary *Townshend* said, that a motion of this nature was unusual; nay it was without precedent: there was a delicacy in foreign courts in matters of treaties, which was not felt in our government: however, parliament in deference to this delicacy, had always refrained from printing treaties, especially those which were preliminary only.

Commodore *Johnstone* was by no means satisfied with the reasons alledged for not printing the articles: they were of the last importance to the public; the ministers had presumed to give away America; and were not the public to be made fully acquainted with the grounds of so great a transaction? The right hon. member had mentioned the delicacy of foreign courts; but he was afraid that the delicacy of ministers was much more deeply concerned, and that they were not without their reasons for wishing to keep from the public eye so singular a treaty. The right hon. member said, the printing of treaties was unprecedented: to this he would reply, that the giving away of so great a part of an empire as America was without a precedent in the annals of the world. It was ridiculous to talk of forms in the present case; every member of parliament had a right to send for a copy of the Articles, and afterwards to print them: would it not be much better that they should be printed by order of the House.

Mr. Chancellor *Pitt* was surprised that the hon. member should suppose that ministers had any desire, or any reason for desiring, that the Articles should be kept back from the knowledge of the people. It was their wish that they should be weighed, digested, canvassed as much as possible; and to the merit only of the Articles they trusted for the support of parliament. The characters of ministers were such as should shield them from any imputation of having done any thing in the framing of the Articles, that they would be afraid to submit to the eye of the public. He had consulted the Journals, and was not able to find, that in any instance the House had ordered the preliminary articles of a treaty to be printed; and as the House on former occasions had refrained from doing any such thing, he thought it would be proper to adopt the same line of conduct on the present occasion.

Mr. *Fox* could not avoid making a few observations on what had been said by the right hon. member who had just sat down. The right hon. member had been pleased to take offence at what had been said by another member near him; now, though it was well known, that the right hon. member did not differ more from the hon. member in politics than he (Mr. Fox) did; yet, on this occasion, he must contend, that the hon. member, who had all along, for years past, expressed his sentiments hostile to the idea of American independence, was not at all to blame for expressing his indignation at an Article, which secured that very independence; and though he himself (Mr. Fox) felt no indignation whatever against that Article, yet he must insist, that it was not unbecoming in the hon. member to express on such an occasion, the indignation that he felt: liberty of speech was the privilege of a member of that House; and if he was to be represented as having said or done something improper, merely for having exercised this right, he might just as well not have the privilege at all.

Mr. Chancellor *Pitt* said, he had not taken any offence at what the hon. member had said against the peace; he was hurt only at the suggestion of the hon. member that ministers were unwilling to publish the Articles, because there was something in them that they wished to keep from the knowledge of the public.

Mr. *Fox* continued: he observed, that many things were unusual in former periods, which were now greatly in use; such as printing the estimates of the army extraordinaries, which had never been printed, till within the four last years: why not treaties of peace be also printed? Every gentleman knew, that the Articles would, even without the authority of the House, find their way into the newspapers, or some pamphlet; and there would be this difference between such a publication, and that which should be made by order of the House, that the former would contain many inaccuracies; the latter none: would gentlemen, therefore, rather have a mutilated publication of so important a matter, than an accurate one? He must differ, however, from the hon. member, when he said a member had a right to send for a copy, and afterwards

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cause it to be printed; the fact was, that every member had a right to send for a copy of any paper that had been laid before the House; but it would be a high breach of privilege in any member to cause it to be printed without the leave of the House. The right hon. member had got a habit of appealing to the characters of his colleagues in office, in order to make the House entertain a favourable opinion of their conduct on the present occasion; such an appeal, he believed, would be of little service to the right hon. gentleman; for it was well known that two of his Majesty's ministers, of high rank and character, disapproved of the peace; and therefore he must go so far as to say, that the present Articles came to the House under very suspicious appearances.

Mr. Secretary *Townshend* wished lord Newhaven would withdraw his motion; though he certainly did not mean to divide the House with him; because he wished for unanimity, as far at least as it was possible, in any question that related to the peace.

Lord *Newhaven* said, that he did not make the motion, till he had maturely weighed it in his own mind; and having made it with deliberation, he would not hastily withdraw it.

Mr. Alderman *Wilkes* said, he believed he could cut the matter short, by informing them, that copies of the Articles had been also laid before the Lords, and that their lordships had already ordered them to be printed.

This raised a great laugh; the ministers gave up the point; and the question was carried without a division.

*Complaint made by the Speaker of a forged Letter, in his Name, being published in several Newspapers.*] Jan. 28. The *Speaker* then informed the House of a breach of their privileges, which he conceived it to be his duty to communicate to them. He said, that he had received a Letter from a new correspondent, Mr. William Woodfall, printer of a morning paper, in which he alluded to a Letter which he said he had received from the Speaker, but which the Speaker declared he had never written: this Letter from Mr. Woodfall appeared to him inexplicable, till on coming down to the House, two morning papers had been put into his hand, in each of which he found a Letter with his name at the bottom, and purporting to have been written by him; but he assured the House it was a forgery.

The following are copies of the forged Letter, and of that which Mr. Woodfall sent to the Speaker in consequence of it. And here it is necessary to observe, that the person who thus made use of the Speaker's name sent a copy of the Letter to most of the morning prints; some of the printers thinking the Letter really came from the Speaker, readily inserted it in their publications, and obeyed the supposed orders of the Speaker; Mr. Woodfall, among the rest, presumed the Letter was genuine, and in consequence of this idea, wrote the Letter, of which we give a copy under that of the forged one:

"It is the Speaker's desire, that the printer of this paper do not publish in his paper of to-morrow, any of the Preliminary Articles of Peace, until the same have been regularly printed, agreeable to the vote of the House this day. A copy shall be sent in proper time.

"Jan. 27, 1783. C. W. CORNWALL."

"Mr. Woodfall (printer of the Morning Chronicle) presents his most respectful compliments to the Speaker, and begs leave to return him many thanks for the obliging note he did him the honour to send him yesterday evening. Before the printer received it, he had intimated to his friend Mr. Strahan, his intention of adopting the line of conduct recommended in it, from a sense that a partial publication of the preliminaries of peace between France, Spain, and Great Britain, and of the Provisional Treaty with America, could not but be imperfect, and might do mischief, by misleading the public with regard to a matter of the highest importance, and respecting which they ought to have the most clear, correct, and authentic information.

"W. Woodfall begs leave farther to assure Mr. Speaker, that if on any future occasion he should wish to caution the printers against taking particular notice of any thing that might have passed in the House, if he will be so good as to suggest it to him, through Mr. Clementson, Mr. Dunn, Mr. Mann, or any other of his officers, he will immediately convey it to the other newspaper printers. He need scarcely add, that he will himself strictly adhere to the advice imported in any such hint, being anxious so to conduct his paper, as to steer clear of of-

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fence to public bodies and private individuals; and being also perfectly conscious, that he can receive no hint from Mr. Speaker, which will not be deserving of his most grateful acknowledgments.

"Dorset-Street, Salisbury-Square,
Jan. 28, 1783."

The Speaker having stated these facts to the House, submitted to the House, that he trusted it was unnecessary for him to assure the House, that he was an entire stranger to such a communication; yet, that he had thought proper to mention the matter to the House, as he conceived the making so unwarranted a use of his name (whether inadvertently or otherwise) was an indignity to this House.

Then two newspapers containing the said paragraph, viz. the Gazetteer, and the Morning Post, both published this day, and likewise the letter from W. Woodfall above-mentioned, were delivered in at the table. And the said Paragraphs and Letter being read;

Mr. Secretary *Townshend* observed, that though he would not have noticed any thing of the like nature had it related to himself, he nevertheless thought that such a freedom taken with the Speaker ought not to be passed over unnoticed. He supposed that in the present instance the object of the forged Letter was to raise a laugh. He would not say that it was for quite so innocent a purpose that a third Letter from himself to the lord mayor of London, had been handed about; and the fraud was so well concealed, that every one could in an instant pronounce it to be his; so that he might say with the poet, "Every coxcomb knows me by my stile." In order therefore to shew that the chair was not to be trifled with, he would move, "That the said newspapers, and the Letter written by W. Woodfall, and sent to Mr. Speaker, be referred to the consideration of a committee: and that they do examine into the authors and publishers of the said Letter, purporting to be written by Mr. Speaker; and do report the same, with their opinion thereupon, to the House."

Mr. Alderman *Townshend* wished that so trifling a matter should not be taken up so seriously: he was of opinion that the whole was a forgery, as well the Letter signed with Mr. Speaker's name, as that which bore the name of Mr. Woodfall.

Mr. Chancellor *Pitt* treated the matter as too trifling to call for the attention of the House: if any joke was intended, the end was already answered; and he believed there was no danger of a repetition, as the writer would find people more on their guard in future: he therefore advised his right hon. friend to withdraw his motion.

Mr. *Dundas* wished the Letter might be referred to a committee; for though he had not the least intention of punishing the printers, who, no doubt, had been taken in on this occasion, still he wished, if possible, to come at the writer of the Letter, who had dared to make use of the Speaker's name, and him certainly he would move to have punished.

Mr. *Byng* said, that in all probability it would be impossible to find out the writer, who, it might be presumed, had taken every precaution to prevent a discovery of his person, when he resolved to take a step that amounted to a breach of the privilege of that House; and therefore he wished the motion might be withdrawn.

Mr. *F. Montague* said, the transaction was really below the attention of the House, and joined in wish with the last speaker.

The *Speaker* having acquainted the House, that he was perfectly satisfied with having stated the matter to the House, which he thought it his duty to do; the motion was withdrawn.

*Bill for preventing the receiving of Stolen Goods.*] Feb. 12. Mr. Secretary *Townshend* said, that in consequence of a notice given by him before the recess, of an intention to make some regulations for the improvement of the police of the metropolis and its environs, he was now going to move for leave to bring in two Bills, to carry that intention into effect. When he first turned his thoughts to the subject, he had it in contemplation to enact a land-press, not so much from any expectation of getting many men for the army, but merely for the purpose of preventing a number of idle young men from meeting at night in public-houses, who, without any visible means of livelihood, assembled rather for the purpose of meditating mischief, than innocently solacing themselves; but the peace having intervened, he had altered his mind, because he knew that a press-act in peace time would spread an alarm. Instead, therefore, of a press-act, he would propose that all those persons who should be found carrying arms at night, without

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being able to give a good account of themselves, or in whose possession should be found implements for house-breaking, &c. should, though without having actually perpetrated any criminal act, be treated as vagrants, and suffer six months imprisonment: according to the law, as it now stood, the most notorious felon in the kingdom, returning to mix with the public, after the expiration of a sentence of transportation, or confinement in the hulks, might have in his possession every implement necessary for plundering his fellow-subjects, and still be out of the reach of justice, till he should have actually committed some crime with them. The object of his next proposition, was to punish more severely the receivers of stolen goods. It was an old saying, that the receiver was as bad as the thief; but if the subject was maturely studied, it would be found that the receiver was infinitely worse, and infinitely more pernicious to the public: in proof of this observation, he adduced the case of the unfortunate young girl, who was lately executed for the robbery in her mistress's house at Tottenham. He would propose therefore the repeal of the 10th of George 3, relative to the receivers of stolen goods, and enact the penalty of death on all those who should in future be convicted of receiving stolen goods, knowing them to be such, which had come into the hands of the thief, by burglary or highway robbery, and in these two cases only. Having said thus much, he moved for leave to bring in two separate Bills, for carrying the two propositions into law.—Leave was given without any debate.

*Debate on Mr. Sheridan's Motion respecting Trincomalé.*] Feb. 14. Mr. *Sheridan* said, that as he was so soon to be called upon to give his vote in approbation or disapprobation of the peace, it was his duty to seek for such information as should enable him to form a just and safe judgment on so important a subject. The right hon. Secretary had stated to the House, that Holland had acceded to the proposal of a cessation of hostilities; but he had said nothing relative to the state in which the treaty between that republic and this country at present stood; and yet it was, in his opinion, necessary that it should be known, before gentlemen could form a just and safe judgment on one of the Articles of the treaty with France: the Article to which he alluded was the 16th, wherein it is stated, "that if either of the contracting parties has any allies in India, they shall be invited to accede to the peace, and four months shall be given to them to consider of it, from the time that they shall have received such invitation; after which period of four months, it shall not be lawful for either of the contracting parties," (England and France) "to give these allies any assistance." Now, as it was not stated in the Article when these allies were to be invited to accede to the peace, it was in the power of France to with-hold the invitation on her part as long as she pleased, and during that time, and for four months after she should have given the invitation, she would find herself at liberty to assist her allies against us; and therefore might assist the Dutch in recovering their settlements, now in our possession, or Hyder Ally in over-running the Carnatic. In such a case, he thought it would be the duty of the House immediately to address the crown, not to part with Trincomalé, until such time as peace should be ratified with Holland. This was a reason that made him wish to know in what state of progress the treaty between us and that republic was at present; and therefore he would desire to be informed if Trincomalé, or any other late Dutch settlements, were to be restored to Holland. If he should find, that they were, then he certainly would move to address the crown that Trincomalé, &c. should not be restored until the treaty with Holland should be concluded, and peace restored to the Carnatic.—Ministers not giving any answer, he moved that such parts of the treaty at present pending between Great Britain and Holland, as related to cessions to be made by the former to the latter, be laid before the House.

Mr. *Fox* seconded the motion.

Mr. *Dundas* recommended ministers to make a stand against questions and motions of this nature; for if they were to answer the one and pass the other in the middle of a negociation, it would be impossible that they should be able to conclude it with advantage to the country, or honour to themselves. He wondered how any member could ask such a question: if ministers should say that Trincomalé probably would be given up, from that moment Trincomalé was gone; for the Dutch finding that ministers would not remain inflexible in refusing to restore that settlement, then no doubt they would insist on the restoration of it.

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Governor *Johnstone* was of opinion, that the difficulty or doubt started by the hon. member, arising out of the 16th Article of the treaty with France, was far from being ideal, and the matter, in his opinion, deserved a very serious consideration.

Mr. Chancellor *Pitt* rose with great warmth, and inveighed with great vehemence against the motion: he said, he believed, that there were not two men in the House, who could approve of such a motion, except the hon. member who made it, and the hon. member who spoke last, who had seconded it. Here he was interrupted by governor Johnstone, who observed, that the motion had not been seconded by him, for he did not approve of it, but by an hon. member, whose countenance to the motion would be of infinitely more weight than his could possibly be; but though he had not seconded the motion, still he must contend, that the difficulty started by the hon. mover was of a very serious nature, and well deserved the attention of the House.

Mr. Chancellor *Pitt* proceeded. If he had been mistaken in saying that the hon. member had seconded the motion, it was not at all wonderful, as the hon. member had spoken in approbation of what the mover of the question had started, and as he knew that he was not very unlikely to second such a motion. But it was wonderful indeed, how any man of common understanding could propose a measure that struck at the foundation of the practice of parliament, and the history of the country; it was unprecedented, it was absurd, it was preposterous, to propose questions which inverted the proceedings of the House, and would involve them in disgrace. Did any member ever hear of ministers rising up in their places, and proclaiming to the House the secrets of a treaty still pending? Could any thing be more absurd, more contrary to the plain dictates of common sense, or the forms of the House, than such a conduct? If the hon. member wished to act with propriety, why did he not move to advise the crown not to part with Trincomalé? If there was any fault or impropriety in wording the Article in question, why not move a censure on ministers, for having advised his Majesty to ratify it? Why, in a word, not do any thing but what the hon. member had done? For a more preposterous thing he could not have done, than to call for the particulars of a treaty before it was concluded. He trusted, therefore, that in his cooler judgment he would withdraw his motion.

Mr. *Fox* assured the House, that his motive for seconding the motion, and he was convinced it was the sole object his hon. friend had in view in making it, was to obtain information, which, in the present moment, at the eve of the great and important discussion of the preliminaries of peace, was absolutely necessary for every member, to enable him to form a proper judgment, before he should give his vote on so momentous a subject; and if the right hon. member, who spoke last, had properly attended to the nature of the motion, he would not have bestowed upon it those epithets, of which, to his surprise, he had been so liberal. Either the treaty now pending between this country and Holland, had reference to, and depended on the treaty with France, or it did not; if it did not, then indeed the motion would be premature, preposterous, absurd, or any thing else the right hon. member might please to call it; for then it would not at all be necessary that we should be informed in what state the treaty with Holland was, before we should decide upon the merits of the treaty with France: but on the other hand, if the two treaties were to have reference to each other, then surely the consideration of the French treaty was to be taken up as part only of a general system of pacification, and then, of course, members must be made acquainted with the different parts, in order to be able to pronounce upon the whole. He remembered that when a motion had been made before the recess, that the provisional treaty with America should be laid before the House, ministers cried, "What! call for the provisional articles, which in fact are to form part of a treaty with France, before that treaty is concluded! What injury might this do the negociation! Wait till the whole is concluded, and it shall be laid before you." And yet, when the House had waited till the treaty was laid before them, they were not able to discover a single tittle in the provisional articles, which could have had the smallest influence on the treaty that was going on between England and France; for it appeared that they were final, conclusive, definitive, except in case of what was in itself an impossibility—an eternal war. At the time the motion was made for producing the provisional articles, one of the friends of ministers (lord Mahon) had cried out, "how unreasonable, how



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invidious would it be to call for the disagreeable part of the treaty, the recognition of the independence of the colonies, at a time when ministers cannot lay before parliament the stipulations that have been made in favour of England, and the great things that have been obtained for her." But lo! when the articles were produced, where was the eye that could discover the favours and good things stipulated for England? He could see no solid reason for refusing to give the House some information relative to the treaty with Holland, except that ministers might wish to display their ingenuity, in proving one thing to be good to-day, and its opposite to be good to-morrow: thus for instance, they will argue on Monday next, relative to America, that the *uti possidetis* was only a proper principle on which the treaty could or ought to be carried on: and when the Dutch treaty becomes the subject of consideration, they will then, with infinite ingenuity, contend, that restitution is the only ground or basis on which a lasting peace can be built. He would still put it to ministers to say, whether the Dutch treaty had any reference to the treaty with France, or not: if it had not, he was satisfied that the motion should be treated with contempt: but if it had a reference to it, he was of opinion, that ministers ought to give the House some explanation as to the state or forwardness of that treaty:—and he was the more desirous of getting some information on this subject, as he had not a doubt but there was an understanding between our court and that of Versailles, relative to the Dutch, being convinced, as he was, that the latter court was pledged to procure peace to Holland on certain terms already stated by that court to ours: he certainly should rejoice if his opinion on this subject was ill-founded; for then we should be at peace with every power in Europe except Holland, against whom we should be then at liberty to carry on the war; and consequently we should find ourselves masters of the conditions of the peace. As to the motion before the House, as it had been made solely for the purpose of obtaining information, so he would consent to withdraw it, and he made no doubt but his hon. friend would consent also, if ministers thought that the information called for could not with propriety be given.

Mr. *Sheridan* declared, that in making the motion, he had no other object whatever than to procure such information as should enable him to form a safe judgment of the peace, and if he could not obtain that information, he would readily consent to withdraw his motion, which had been treated with so many harsh and unprovoked expressions by the right hon. member; that gentleman used frequently to recommend it to members to debate with coolness, temper and moderation: he was sorry that in this instance the right hon. gentleman had not a little enforced the precept by example: he wished also that he had spoken in as high a tone, and held as lofty a language in making the peace; he would not then be obliged to stand so much on the defensive as perhaps he might be under the necessity of doing on Monday next; because he might, by talking and acting boldly, have made a better peace.

The question was then withdrawn.

*Debate on Lord Maitland's Motion for a signal Mark of Honour upon Sir George Eliott.*] Feb. 14. Lord *Maitland* rose to move for a signal mark of honour upon general Eliott. Had such a motion been made two months ago, he would have opposed it, because it would certainly be an improper interference of parliament to address the throne for honours on any individual, at a time, when perhaps ministers were employed in advising the same measures to the crown; but having now waited till all that he believed ministers intended to do, had actually been done, and that all falling short of what he thought due to the merits and services of general Eliott, he thought it his duty, and that of parliament, to interfere now, and advise the crown to bestow such a signal mark of its favour on general Eliott, as might bear a proportion to his merits: that great general had for three years and a half withstood the attacks of the enemy; but particularly towards the close of the last year, the enemy determined to send such force to the siege, as should, in their opinion, make it impossible for the governor to hold out long. And so convinced were they of success, that thinking it too great an honour for generals and noblemen to reduce such a fortress, and such a general, they sent princes of the blood to accept of the surrender, and bear away the glory of the victory; but the brave Eliott disappointed their hopes, and sent them home filled with admiration at his conduct, and glorying even in their defeat, that they had seen the greatest defence that could



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be made by man. His lordship then drew a slight comparison between the pension of 1,300*l.* a year, granted to general Eliott, and the 3,000*l.* a year given to colonel Barré; hinting that the latter had got more by quitting the profession, and investigating the extraordinaries of the army, than general Eliott had by raising the honour of his country and profession to the highest pinnacle of glory. He did not mean to depreciate the honour or dignity of the order of the Bath; but when he found that the same order was to be given to an officer, in other respects indeed of high rank and character in the army (sir C. Grey), for the merit of going to withdraw the troops from America, he could not but think that the defence of Gibraltar deserved something more honourable than a red ribbon. He asked what would the generals of France and Spain say, whose conversation had been for so many years nearly engrossed by general Eliott, when they should hear that a red ribbon, and 1,300*l.* a year was all that had been given to that great general for one of the most famous defences recorded in history? He concluded by moving, "That an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to confer some signal mark of honour upon general sir George Augustus Eliott, knight of the Bath, and governor of Gibraltar, for the important service rendered to this country by his gallant and successful defence of that most valuable fortress."

Lord *Parker* seconded the motion. Related as he was to general Eliott, he could have wished not to have interfered in a business of this nature, if ministers had not, in his opinion, been strangely negligent in the duty they owed the public, by which they were bound to bestow honours with a bountiful hand, where they were deserved, in order to keep up that emulation which was the soul of military men. He was sorry that ministers had given a pecuniary reward to the gallant general: honorary rewards were best adapted to those men, the very foundation and support of whose profession was honour. The circumstances of the brave general did not stand in need of a pecuniary reward: it was true, indeed, that his appointments as governor were by no means sufficient to support the expence he was at during the siege; for he would be bold to say, that the place had been, in a great measure, defended by the generous distribution of such necessaries among his officers and men as he could procure by means of his private fortune. If the pension was granted to him, in order to reimburse him these expences, he would acknowledge that it was a handsome provision; but then he was sorry it was to descend to his son. As to the red ribbon, it was, no doubt, a very honourable badge; but he could say it from his own knowledge, that the general, seeing it was bestowed sometimes on persons not the most deserving of it, had ceased to deem it honourable; so much, indeed, was he confirmed in this opinion, that he once refused it when offered to him; and he believed, that on the present occasion, if it should be offered to him by ministers, he would send it back with contempt: but if it should be sent to him as a mark of his royal master's favour, as such he would receive and wear it with gratitude. His lordship then compared the defence of Gibraltar with other services; and he confessed, that if the service of the 27th of July was rewarded with a peerage, he was at a loss to say what ought to be the reward of the defender of Gibraltar.

Lord *Beauchamp*, on constitutional principles, opposed the motion, and moved for the order of the day. He was afraid that a precedent of this nature might lead to consequences in which it would be found that the legislative would invade the executive branch of government.

Sir *Charles Cocks* seconded this motion.

Mr. Secretary *Townshend* supported the latter motion. He said, the pension produced to general Eliott 1,500*l.* a-year net money, and what made it a greater reward was, that it was to last during the lives of the general and his son. He then defended colonel Barré, and shewed that he did not get his pension for quitting his profession; but his steady and upright conduct in parliament had forced him out of his profession. He mentioned general Grey and sir John Jarvis, the two illustrious knights, between whose stalls the gallant general was to take his seat in Henry 7th's chapel. This was not dishonourable company. As to what French and Spanish generals would say of a noble military order, and a pension for two lives, of 1,500*l.* a year, when put into livres, it might be thought a slight honour by those foreign generals who have such ample appointments.

General *Conway* thought no honour which could be bestowed on general

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Eliott would be greater than his deserts; still he did not think it proper for the House to interfere: the red ribbon was an honourable distinction; but he wished there was in this country, as there was in other countries, an order set apart entirely for military men; and if it depended upon him, there should be such an order before long: but at present, taking in every thing, as general Eliott was in the very highest rank of the military profession, as he had the order of the Bath, and a pension of 1,500*l.* a year, he could not be said to be neglected.

Governor *Johnstone* said, he should vote for the order of the day; but still he thought enough had not been done for general Eliott; his was an extraordinary case; the siege of Gibraltar was such as might never happen again, or at least might not happen for centuries; it was to be compared only to the sieges of Rhodes and Malta: and therefore ministers ought not to tie themselves down to, and be led by precedents which had no analogy to the defence of Gibraltar.

Mr. *G. Onslow* spoke in high terms of general Eliott, whom he would always mention with the highest respect, and as a most noble and honourable character, according to the advice of Horace, "Semper honoratum si forte reponis Achillem." But still he would vote for the order of the day, because he would not countenance what he would call an invasion of the prerogative of the crown.

The House divided; for the order of the day 92, against it 18.

*Debate in the Lords on the Preliminary Articles of Peace.*] Feb. 17. The House proceeded, according to the order of the day, to take into consideration the Preliminary Articles of Peace with France, the Preliminary Articles with Spain, and the Provisional Articles with America. They were severally read by the clerk at the table; after which,

The Earl of *Pembroke* rose to move an Address of Thanks to his Majesty. He said, that it would be the greatest presumption in him to give any opinion in that House upon an object of such magnitude, as that of the Preliminary Articles of Peace, but he thought he could not err in proposing an address of thanks to his Majesty, for having complied with the universal wish of his people in putting an end, and that too without the mediation of any neutral power, to an unhappy and calamitous war, the continuation of which, must, notwithstanding the admirable conduct and brilliant success of lord Rodney, lord Howe, and general Eliott, have terminated in irreparable ruin, and have made almost any terms of peace acceptable. Without entering at all into the merits of the Articles before them, and even supposing that there may be some difference of opinion about them, there was surely one thing in which they must all agree, which was, to thank his Majesty for having laid the Articles agreed upon as preliminaries before the House. There was also another thing about which he conceived they could not differ, namely, the necessity for peace in general, and the advantage which it would bring to the country. Peace would relieve the kingdom from a load of taxes; revive the old, and open new channels of commerce; restore harmony and mutual affection between the subjects of Great Britain and the United States of America; and contribute to promote the happiness and established tranquillity of Europe. He moved,

"That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House for his gracious condescension in ordering to be laid before us the Preliminary Articles of the different treaties which his Majesty hath concluded, and to assure his Majesty that we have considered them with that attention which so important a subject requires.

"To express in the most grateful manner to his Majesty our satisfaction, that his Majesty has, in consequence of the powers entrusted to him, laid the foundation by the provisional Articles with the States of North America, for a Treaty of Peace, which, we trust, will insure perfect reconciliation and friendship between both countries.

"That, in this confidence, we presume to express to his Majesty our just expectation, that the several States of North America will carry into effectual and satisfactory execution those measures which the congress is so solemnly bound by the Treaty to recommend in favour of such persons as have suffered for the part which they have taken in the war; and that we consider this circumstance as the surest indication of returning friendship; and to acknowledge to his Majesty our due sense of that wise and paternal regard for the happiness of his subjects, which induced his Majesty to relieve them

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from that burthensome and expensive war, by the Preliminary Articles of Peace concluded between his Majesty and the most Christian and Catholic Kings.

"To assure his Majesty that we shall encourage and promote every exertion of his subjects of Great Britain and Ireland, in the cultivation and improvement of those resources which must tend to the certain augmentation of our public strength, and that with these views we shall most diligently turn our attention to a revision of all our commercial laws, and endeavour to frame them upon such liberal principles as may best extend our trade and navigation, and proportionably encrease his Majesty's naval power, which can alone ensure the prosperity of his dominions."

The Marquis of *Carmarthen* seconded this motion. The nation, he said, wished for peace, and he congratulated them on its happy accomplishment. The confederacy that had been formed against England was dissolved. The nation was eased of an intolerable and encreasing load of taxes. Trade would revive, and Great Britain, pursuing the plans of wisdom, moderation, and peace, would still be one of the first powers of Europe. He enforced the propriety of agreeing to the motion, by describing the situation in which this country stood antecedent to the negociation for peace. He emphatically dwelt upon the blessings that must attend a cessation of hostilities, and the sad consequences that were naturally to be expected from a continuance of the war. The relative situation of Great Britain and her enemy warranted the terms agreed to, and he thought them as much, in every extent of reasonable expectation, as could be demanded, or as would be granted.

The Earl of *Carlisle* said, that whatever might be the proceeding of the day, whether it might end only in a denial of all approbation, or tend to a more serious reprehension of ministers for entering into terms which may not be deemed adequate to the situation of the country, but derogatory to its honour and its interest, it was necessary on every account to establish this position, that the peace once concluded was inviolable. That it was a sacred edifice, and, once consecrated, however hideous the architecture, and ignorant the architect, it was not to be cast down.

The nation, continued his lordship, was tired of war. The object was gone for which we fought. Thirteen millions of added debt was to be put into the scale, against any probable advantage which could attend the obstinate continuance of it. Fortified and secure in the popular sentiment, and borne along by the wishes of the public, the more rapidly (with the observance of certain duties) the minister drove the war to its termination, the more securely he rivetted his own political existence, and laid the strong foundation of fair fame and reputation to himself and his administration. With a fleet of more than 100 sail of the line; with 110,000 seamen borne and mustered; without the disgrace of having a single ship of our line in the possession of the enemy; with the certainty, that if the expences for carrying on the war were unavoidable, a generous people would not refuse the supply; with the knowledge that the finances of France were in much disorder, an equal aversion to the war existing there also; (witness the several spirited memorials from the states of Britanny, and other places against it) that they were in great distress for seamen for the fleet; Spain frustrated in her great object, the fortress of Gibraltar, which engaged her in the war; a serious commotion in her American dominions, and like the rest of the belligerent powers, fatigued, exhausted, and distressed; Holland, next to ourselves, the principal sufferer, trembling at her intestine disturbances, and alarmed at the hints she is supposed to have received from Prussia; the French flag flying at the Cape, ours upon the walls of Trincomalé; not daring to come out with the fleet, though we had detached our whole force to the Mediterranean; and lastly, with the power which the minister knew he had of giving satisfaction to America: it is not preposterous in argument to assert, that however conscious of the utility of peace, it was to be pursued with dignity, and obtained with honour and with justice.

By beginning with America, and by endeavouring to meet her wish, I think we acted wisely: and in conformity with the idea that it was proper to make the concession so often insisted upon, in order to lower the tone of another power, what was it natural to have said to her? "You have carried your point. We withdraw our fleets and our armies. We keep no possession ever claimed by the thirteen provinces. Your independence is perfect. Beyond the common commercial stipulation of mutual advantage and mutual be-

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nefit, we have nothing to urge but that in which our honour, our justice, our humanity, our religion is concerned,—safety and protection for those who have embarked so deeply in our cause. This must stand at the head of the treaty, this must be a *sine qua non*." In the advancement of the negociation, if it had been urged on the part of the United States, that the retaining large tracts of country behind them to plant with persons of different political principles, might be little better than laying the foundation of new war and new disturbances; I know not what parts of the empire this country might, in that case, have thought proper to disunite, but if tired of colonization, she had relinquished the fertile banks of the Ohio, the paradise of America, it must have been to have rendered more secure the safety of those persons, for whom she was so deeply interested. If this appears to any one right to have been done, let us see what has been done?

When the minds of the people of England were hardly brought to bear the idea of establishing the American independency, but when the progressive disasters of the war made it seem to be unavoidable, a thunder-cloud breaks upon us on a sudden, and we are told that a tract of country, equal almost to a third of Europe, is added to that which we were in some measure prepared to lose. All Canada is in fact lost to Great-Britain. All the country, from the Alegany mountains to the Mississippi lost. All the forts, settlements, carrying places, towns, inhabitants upon the lakes, lost. The peltry and fur trade lost. Twenty-five nations of Indians made over to the United States, together with the three principal forts of Niagara, Michilimakinac, and Detroit, which last, I understand, has 10,000 inhabitants around it. All opportunity of procuring masts, (at least by any thing that appears) from Penobscot-bay, &c. and all this without the smallest apparent advantage resulting to Great Britain in return for these amazing concessions; not even that solitary stipulation which our honour should have made us insist upon, and have demanded with unshaken firmness, a place of refuge for those miserable persons before alluded to, some port, some haven, for those shattered barks to have been laid up in quiet.

But it will be said, "all Canada is not given up. Besides, observe how the line of division strikes the centre of the lakes, and so gives a reciprocal trade; and, if that does not satisfy you, consider and be comforted with the free navigation of the Mississippi." You had better have ceded all Canada, than have given into this mockery of keeping the two ports of Montreal and Quebec, (for they are no other than mere ports, without the trade of the interior country) to be supported from this country with much expence, and a sufficient subject for future war. You may as well fancy that by keeping the fortress of Gibraltar, you command the trade of Spain. The lake Michigan, which is given up, sends two-thirds of all the peltry by the north to Europe. The Canadian merchants have been at enormous expences in erecting forts and storehouses on its banks. What reparation is to be made for the transfer of the whole trade to other powers, and by another channel to the south? None, excepting the benefit to be received by the divided trade of the lake. Tell a man he shall have a free right of navigation on the Thames, and excepting passing the locks, he may do what he pleases; what will be his obligation? If the intention has been to deceive, the manner of deceiving is clumsy. For it would have been better to have drawn the line of boundary, so as to have left the lakes with us, and just to have slipped Niagara, its fort and carrying place, into our enemies share. Many might have been ignorant of the real importance of the seeming blunder. Niagara might be represented as a cascade, a beautiful object of nature not worth quarrelling for, though in fact it is the tunnel into which the whole northern trade must run.

But we keep the navigation of the Mississippi! And so we might say that we keep that of the Rhone or the Rhine. We are not possessed for 3,000 miles of a single acre of its shores; and West Florida, where the Mississippi meets the sea, is by the treaty in the hands of the Spaniards. To what sort of understandings is this fallacy addressed, or for what description of rational beings is this delusion calculated? This brings me to another consideration, of which I shall only touch the surface, to awaken the attention of others more equal to discuss a subject of this magnitude, the right of the crown to dismember the empire without the sanction of parliament; and, for the sake of making peace, to resign a territory not acquired during the war. If such be the inherent prerogative of the crown, it goes to this, that the King, for the sake of making

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peace, may transfer the seat of empire to any other part of his dominions, Ireland for instance, and may make over this island to France or Spain, or to the Pope.

There is certainly sufficient to be collected in different writers, to fling an unlearned mind into doubt and perplexity upon this subject. Burlamaqui expressly says, that "if there be any such thing as a patrimonial kingdom, it is evident the king may alienate the whole, or still more, transfer a part. But if the kingdom be not possessed as a patrimony, the king cannot by his own authority transfer or alienate any part of it, for then the consent of the people is necessary. Sovereignty does not imply a right of alienation."—"But if only a part of the kingdom is to be alienated, besides the approbation of the king and that of the people, it is necessary the inhabitants of the part which is to be alienated should also consent, and the latter seems to be most necessary." Vattel has these words:—"The kings of England have the power of concluding treaties of peace, and of making alliances; but they cannot alienate any of their dominions without the consent of parliament."—"The assembly held at Coloynac, after the return of Francis 1, from his imprisonment, would not ratify the treaty of Madrid, but held that the king could not dismember the empire."

What was the case of the impeachment of the earl of Clarendon, on the article for advising the crown to the sale of Dunkirk? The seeming difficulty on the side of the accusers, was to prove that Dunkirk had ever been fairly affixed to the crown; for there appears not to have been any contradiction of the assertion, that if it had been so affixed, the king could not have parted with it without the consent of parliament. The case of Gibraltar, by the treaty of Madrid, applies equally. When it was urged that a promise had been made to Spain to cede that fortress to her, it was argued, without difference of opinion, that it was impossible, because the sanction of parliament was necessary for such a dismemberment of the empire.

If it should appear then, that the minister has ceded to America with lavish profusion, yet this, it may be said, secures all the advantages you have in the treaty with France and Spain. Where are we to look for them? On the coast of Africa? We shall know why we are sent back to the year 1755, in the Article relative to the gum trade. Will they appear by the moderation with which France has allotted to herself, her exclusive share of the Newfoundland fisheries? Will our advantages appear by the manner in which we are obliged to resign Tobago, without making any one stipulation for an inhabitant of that island? And yet it is in the West-Indies, that we seem to get something in return for what we are to give. Are we to look for them in the East-Indies? But here our view is interrupted, for what avails the discussion, till we know what is to become of Holland. Will France remain at the Cape, and suffer us to keep Trincomalé, or does she intend to humiliate us still farther, by setting us an example of national honour, and by not deserting those she has brought into distress and danger?

After a summary recapitulation of his arguments, the noble earl moved his amendment, by which the original motion run thus: "To return our thanks to his Majesty for the communication of the Preliminary Articles of Peace, and for having put a stop to the calamities of war, by a peace, which being concluded, we must consider as binding, and not to be infringed without a violation of the national faith. To assure his Majesty that we feel, in the strongest manner, the obligation of affording every relief, that can alleviate the distresses of those deserving subjects, who have exposed their lives and fortunes for the support of Great Britain; and at the same time, we cannot help lamenting the necessity, which bids us subscribe to articles, which, considering the relative situation of the belligerent powers, we must regard as inadequate to our just expectations, and derogatory to the honour and dignity of Great Britain."

The Earl of *Coventry* could not agree, that the Preliminary Articles merited the reprobation of their lordships. He did not think them so highly advantageous as we might desire, nor such as we might covet; but surely after such a war, and in such circumstances as we now stood, they were not to be considered as inadequate and unfair. Peace was always desirable. The advantages arising from it were numerous, and from the present peace they would be soon experienced. The man of landed property had no more taxes to apprehend; his burthen indeed was already great enough; the peace, if it did not make it less, would at least save him from the danger of making it more; those who had

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property in the funds would find their profits increase, and their security strengthen; —two circumstances of the most agreeable nature.—These to him were reasons against agreeing with the amendment.

Lord *Walsingham* entered at considerable length into the merits of the Preliminary Articles. The noble earl who had moved the amendment, had gone with so much more weight, precision, and argument into the matter before the House, than he could possibly pretend to do, that a great part of what he intended to have offered to their lordships consideration was rendered unnecessary. No approbation, he observed, was desired of the preliminary articles with France and Spain; they were called upon in the Address proposed to thank his Majesty for having concluded peace with those powers; but with respect to the provisional articles with America something more was desired, by its expressing the satisfaction which the House felt at the foundation of peace laid by these articles; to these words, or to any thing that expressed this meaning, he must object, because he could not consider the foundation of peace which these provisional articles were calculated to lay, as either advantageous, or desirable; he felt very great uneasiness and concern at opposing an Address of Thanks to the King; he had no wish to embarrass ministers, but he claimed his title to consistency; he must manifest the principles which he had always held, and deliver his real opinion upon a matter which was so near his heart.

The question of the independence of America he acknowledged to be entirely over: this was given up by the resolutions of the House of Commons last year, and by the Bill for enabling the King to treat with America; which if it did not convey the power in so many express words, yet surely tended to that point. The probable intention of that Bill was declared by the Address of the two Houses on the opening of the present session, in which they thanked the King for the exercise of his power in offering to declare them free states, and for sacrificing his own opinion to the opinion and wishes of his people.

To the boundaries established by the Provisional Articles he had four objections, 1. That thereby the province of Canada was rendered insecure; 2. That the fur trade was by this means totally and absolutely lost; 3. That several hundred millions of acres of territory were ceded; but above all, 4. That all faith was broken with the Indians who inhabit that part of the country; the trade was lost because we could no longer command it. It must now, said his lordship, depend on accident, rivalship, jealousy, caprice, self-interest, even on mutual friendship, to be permanent.

The noble lord gave a view of the present and past state of the province of Canada; by which he shewed that in this new regulation of boundaries the lakes were given up, and the harbours without even a stipulation for a free navigation: the forts which had cost the nation so immense a sum were also delivered up. After expatiating on the impolicy of this conduct, he asked, why if the forts were to be given up, it was not at least stipulated that they should be dismantled—why not take care that when they are to be put into the hands of a rival they shall be as little injurious to us as possible? As it was, they were delivered up, and through them we were to hold our Canada trade in future at the mercy of the United States. He particularly mentioned the important fort of Missilimachinac; this was the rendezvous for the trade of the whole province, and this was forty miles within the American line of boundary; the communication between the lakes Superior and Huron was delivered up; and we were to navigate the lakes also on the most disadvantageous side; the current set in on our shore, and therefore that side was of no use to traders; the eddy set in upwards on their shore. The lake Michegan was commanded by Missilimachinac: he dwelt on the use and the importance of that lake; the Indians subsist around it, there they hunt, and there the skins are to be purchased; it communicates with the Mississippi, and its value was therefore very great; nothing could be so absurd as to stipulate for the navigation of the Mississippi, and yet cut off all communication with it. What was meant by the navigation off Mississippi as agreed on in the treaty, he professed he could not tell; it would have been a valuable provision if properly managed; if we had had the possession of the lakes; if the communication had been preserved to us, it would have been truly beneficial; for its means of internal navigation were immense from its tributary lakes and rivers. On the whole, he said, the precarious state of the fur trade would be the means of its total annihilation. Merchants would

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not adventure on a traffic so clogged, and he begged to inform noble lords that this was a very important branch of our commerce, the exports from hence to Canada were 500,000*l.* per annum; and the imports nearly half as much.

The insecurity of the province of Canada, after these boundaries were established, was another argument in his mind against them. Having given up the forts which awed the Indians, we could no longer be protected from their ravages. Their lust of plunder, their revenge for our shameful and unpardonable treatment of them, would give rise to scenes of cruelty, from which the civilized heart must revolt with abhorrence; and the sufferers would be our own innocent fellow-subjects. The insecurity of the province on the side of Lake Champlain, was an important object. Why not stipulate at least for the free navigation of that lake? It was the key to the province; when that was lost, and Point at Fer, Crown Point, and Ticonderago, nothing was left to defend us from the incursions of an enemy. Such was the fallacy of this line of separation, and such were the dangers which it was likely to give rise to! We had experienced the good which these posts might have in future afforded us, as a line of defence. Their lordships must all remember the action three or four years ago in Lake Champlain. The province of Canada depended on that action, there was a wonderful exertion made there, and there was great naval eclat. Now we were left to depend on the good faith of our neighbours; or we must have the same army in peace as in war, namely 8,000 men, and a military establishment. The prodigious expence of the military government of Canada need not to be told. It had cost this country between two and three millions from the beginning of the war to December 1781 only; it had cost much more since that time; at least 4 or 500,000*l.* per annum, but more last year, and part of this sum was employed in building these very forts, which are now given up.

The noble lord said that there was a mistake in the treaty about the boundary line. The treaty says, it is to run till it strikes the Iroquois or Cataraqui. This is liable to mistake; it should have been the St. Lawrence or Cataraqui. The Iroquois goes from the Lake Champlain into St. Lawrence, and the difference in this one article is 5,000 square miles of the best part of Canada.

With respect to the Indian nations, the Iroquois were cut off from us for ever, as well as all their tributaries and allies. The cruelty and perfidy of this fact was beyond his feeble powers of description: they engaged in all our wars; in the present contest, they were invited by the most flattering and seductive professions. General Burgoyne's proclamation promised them rewards in proportion to their zeal. They accepted the condition; in their answer they promised obedience; they refused the offers made them by America; they served us well, as a testimony of which he begged their lordships to refer to the letters of colonel Butler. What was the reward which they were to receive? what was their present situation? Their calamities were little known, but they were unspeakable. They were driven completely from their country, and were encamped, 4,000 in number, at Niagara, at that very moment, living at the expence of Great Britain. They cost the nation an amazing sum. In the name of policy, why not stipulate for their return and peaceable possession of their native lands? Humanity, interest, policy required it. There was a stipulation of the kind in the 15th article of the treaty of Utrecht; and the same thing was done in the capitulation of Quebec. By the treaty of Utrecht they were called the five nations under the dominion of the British crown; but we were peculiarly bound to protect them, by the good faith and the obligation, of our own treaties with them. In 1701, they made over their dwelling and hunting lands to England, on the solemn condition that they should be protected for ever. In 1726, the treaty was renewed; the King accepted it in trust for ever, and pledged himself to defend it. Again, in 1746, the compact was repeated at different congresses; and in a variety of meetings the most solemn assurances had been given to these unhappy people from the crown, that they should be for ever protected. Who would approve of the restitution of Albany? and who, that had any feeling for men of honour, would approve of our giving up and abandoning sir William Johnson? Above 20,000*l.* sterling of his estates were confiscated already; his voluntary zeal in our service, his conduct in heading the Indians, in order to moderate their cruelty, was laudable in the extreme; and the effects that he had produced by his influence among them, were spoken of in the highest terms of praise. How different was

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his reward now, and in the last war! At that period the House of Commons voted sir William Johnson a reward in money, and they addressed the King to confer on him a mark of honour which he now bears.

The Southern Indians were equally neglected; we had abandoned to one common lot the Chactaws, the Chickaws, the Creeks, and the Cherokees. How different was the policy of that great and dignified statesman the earl of Chatham! witness his honourable rejection of the boundaries of Louisiana, proposed by M. de Bussy, because it would exclude these nations who were under the protection of Great Britain. Our treaties with them were solemn, and ought to have been binding on our honour. They were to be seen at the Board of Trade, and that in the year 1730 was printed.

The noble lord now came to the cession of East Florida. There were two points which pressed to his consideration on this article; the first was a doubt as to the right of the crown to make the cession; and secondly, that if it were clearly consistent with the royal prerogative to make the cession, it was highly impolitic to do so without the usual stipulations. On the first of these points it would not become him to give a positive opinion in the presence of such judges: but writers on the law of nations did give positive opinions. There was a material difference, they said, between patrimonial and usufructuary kingdoms. In the first, cession is good as to the state, but the people may resist; in the last, where the kingdom is given by the free consent of the people, the sovereign cannot alienate it. The act is void, and a fundamental law of the state is violated. This is their general reasoning on the subject, said the noble lord, but I do not know how far it applies to us. The question is indifferent; if the cession is illegal, an act of parliament will legalize it for this occasion, or indemnify ministers, if necessary: but why not stipulate for the free exercise of their religion to the inhabitants, and for permission to sell their effects, and retire where they pleased? What was stipulated for the loyalists, who were invited here under recent proclamations to settle, and withdraw from usurped government? Nothing.

He now came to his last point, the loyalists. On this subject, the noble earl who moved the amendment, had spoken with so much feeling, that he believed he had made a very strong impression on every one who had heard him. He assured their lordships, that the noble earl had most forcibly aroused his feelings, and he could neither think nor speak of the dishonour of our treatment of those deserving men with patience. Their claim upon us was self-evident; they had been invited to join us by our own acts; it was a parliamentary war, and therefore it was the more incumbent on the legislature to protect them. The crown had no separate interest in the war; the addresses to the King from every part of the country, proved that the people of England considered the war as necessary, since its object was the preservation of our just dominion. Parliament should be consistent. He begged their lordships to look at the resolutions of parliament in 1766, and see by them, if, in order to be consistent, they ought not to have observed a very different conduct in regard to the loyalists. The noble lord pointed out the fallacy of the fifth and sixth Articles, and he asked if any one of their lordships entertained just expectations, as the Address stated, that these Articles would be complied with? The Address stated, that Congress had undertaken to recommend it to the provincial assemblies, and it was no such thing; Congress had not yet ratified the treaty: perhaps they had said, that they would ratify the treaty; but it should have been stated on the face of it, that the American commissioners had produced their full powers as the European ministers had done. These full powers ought not to be mere form of words—not matters of course—but a solemn promise to accept, perform, and ratify all that should be done in their name. There were two propositions contained in the fifth and sixth Articles; the security of the persons of those to whom the Articles relate, and restitution of their estates. He begged their lordships to see how the effect would be in both cases. The treaty was not superior to law, and that there were positive laws enacted by the provincial assemblies, directly contrary to these provisions, he need not inform their lordships. He quoted several of their laws of banishment—declaring persons by name aliens—forbidding their return—their punishment if they did return, being, that they were seized by the sheriff of the county where they were seized, and by him made over



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to the board of war: by their sentence, they were to be transmitted to some of the British dominions; and if they should after this presume to return, they were to be punished with death, like felons. While these laws were in existence, the sheriffs must obey them; they could not take cognizance of the treaty—the laws are compulsory on them—they have no discretion—and therefore it was nugatory to stipulate for these unhappy men going into the colonies, and staying for twelve months to endeavour to regain their estates. Beside the law of banishment, the law of confiscation would operate against these unhappy men; the noble lord pointed out its provisions, and said that it was recommended by Congress originally: under this law the effects of the loyalists were sold for public use; the legislatures of the respective provinces had warranted the titles to the purchasers for ever.

Suppose, then, that the possessors of these estates will not part with them; how can the loyalists force them? The states cannot compel them without a breach of faith; and how is the injured owner to buy it without money? Suppose that an estate had been parcelled out and sold to twenty persons, how would it be practicable to ascertain the price? Beside the danger of subsequent transfers, all these difficulties occurred, even supposing that respect and attention was paid to the recommendations of the Congress; but we had only the recommendations of Congress to trust to: and how often had their recommendations been fruitless? there were many cases in print in which provincial assembles had peremptorily refused the recommendations of Congress. It was but the other day the states refused money on the recommendations of Congress. Rhode Island unanimously refused when the Congress desired to be authorised to levy a duty of 5 per cent. because the funds had failed: many other instances might be produced of the failure of the recommendations of Congress, and therefore we ought not in negociating for the loyalists to have trusted to the recommendations of Congress: nothing but the repeal of the acts existing against them ought to have sufficed, as nothing else could give effect to the treaty. Repeal was not mentioned; they had only stipulated to revise and reconsider them, a mortifying and humiliating distinction was made in prejudice of those who had borne arms for Britain: to this we should never have consented; their services claimed the utmost gratitude, and we ought to have hazarded almost every thing for them; what had they not sacrificed for us! had they not left their families? had they not left their country? had they not risked their lives, and made a common cause with us; and what was the perfidious and ungrateful return? We had abandoned them to the fury, the enmity, and the revenge of their countrymen. It was a most impolitic as well as a most dishonourable conduct. Faith, truth, justice, all that was sacred amongst men and nations, must disdain and reprobate it; it would be a stain on our character as a people to the latest posterity; and must, if there was nothing else offensive and disadvantageous in the present peace, stamp it as the most ignominious of any that this country in the very lowest circumstances concluded. He must declare that he could not give his consent to an Address in which they were called upon to return thanks for a treaty stamped with such disgraceful conditions as he had enumerated; and he should therefore vote for the amendment.

Lord *Hawke* could not agree, that his Majesty's ministers had concluded a treaty derogatory to the honour of the crown, and detrimental to the interest of the country. Before he entered into the arguments of the noble lords, he called the attention of the House to the state of the country, distracted by intestine divisions, every man thinking differently, except when united in some favourite scheme of party. He stated that our enemies were determined and firm. In Europe we had not only the French, Dutch, and Spaniards, combined together against us, but the ill offices and ill wishes of all the neutral powers. In America our fleets, from the strength of the French islands, and our want of troops, cruized only to exhaust the resources of their country. He then dwelt largely on the storm that was gathering in the East; he maintained that we had no peace with the Mahrattas; that Hyder's army had rendered the Carnatic one universal scene of famine and slaughter; that we had gained some victories indeed over him; but that he retreated like a lion, only to turn back more dreadful on his pursuers. The sun of victory, which gilded our prospects in the East, was on the decline, the black clouds of distress were gathering fast.—He then stated the points in which he differed

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from the noble lords; the case of the loyalists; our loss in the fur trade; the cession of Florida; and the general argument relative to the advantage or disadvantage of the peace. He denied that the loyalists had been abandoned; and, after paying them every proper compliment, said, that he should support no minister who would countenance such a measure. In America, Congress had engaged to recommend their cause to the legislatures of the country: what other term could they adopt? He had searched the Journals of Congress on this subject: what other term did they, or do they ever adopt in their requisitions to the different provinces? It is an undertaking on the part of Congress: that body, like the King here, is the executive power of America. Can the crown undertake for the two Houses of Parliament? It can only recommend. He flattered himself that recommendation would be attended with success: but, said he, state the case that it will not; the liberality of Great Britain is still open to them; ministers had pledged themselves to indemnify them not only in the address now moved for, but even in the last address, and in the speech from the throne.—With respect to the fur trade, he stated that the great object of the peace was a reconciliation with America; that the House of Commons last year had laid down the arms of the nation; that they had made a peace necessary, by declaring the man an enemy to his country who should take up arms against America: it was therefore, said he, the duty of ministers to effect a reconciliation on such grounds as would prevent another war. He reminded their lordships of the proclamation in 1763, which narrowed the boundaries of Canada still more, and excluded the Utawa country: he stated the disputes between the French and the colonies, previous to the war of 1756: he asserted that the best furs were to the north of the lakes; and asked whether a monopoly of the fur trade was an object when it not only might create another war, but would certainly alienate those affections which we had purchased with the price of independence?—With respect to the cession of East Florida, after saying that Spain by the local situation of this province was a natural enemy to America, and after stating the effect this cession might have on the family compact, and the French connection with America, he entered into the argument whether the crown could cede that province, and maintained that such privilege was inherent in the power of making war and peace; that one power could not exist without the other; the end without the means. He cited Puffendorf; and the case also of merchants, whose goods are thrown into the sea to save the vessel: he stated that the proprietors of East Florida were in a situation similar to those merchants; that they were entitled to a compensation; he laid in his claim in their names, and said he flattered himself they had every fair thing to expect from the justice, liberality, and good sense of his Majesty's ministers.—With respect to the advantage or disadvantage of the peace with the House of Bourbon, he said, that could only be known by an accurate state of what we had gained and lost, and how far it affected our commerce, or a future war. He maintained that we were in a better situation by the exchange; that we had yielded up nothing but what might be easily recovered; and that we had gained what a two years war could not have re-captured: our commerce had received a benefit much greater than its loss,—above two-fifths of all the exports and imports from the sugar islands. It was, then, fair to conclude, that we had made an honourable peace; because we had not only acquired more, our expence considered, than we could have purchased by victory; but we had escaped from a confederacy greater than any in history: our ministers therefore had, like able negociators, seeing the springs of the national power stretched beyond their force, concluded the peace.

Viscount *Dudley* declared the terms of the peace to be, in his mind, totally inadequate to our situation and pretensions; he could not, therefore, approve of the Address.

The Duke of *Chandos* thought our condition was such as demanded an immediate peace; and that on a review of every particular, it would be found to be more than equal to what we had a right to expect. These were not times when men ought to oppose government on factious principles. Nothing but unanimity could save us; and no person who had the interest of the empire at heart could say that the peace was not desirable and advantageous.

Viscount *Townshend* contended, that administration had disgraced this country beyond all former example. To desert

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men, who had constantly shewn their loyalty, was a circumstance of such cruelty as had never before been heard of. What was to become of the poor American officers too, who had drawn the sword in defence of this country? They were deserted likewise, and left to seek their fortunes any where out of English protection. The poor loyalists should have had some tract of land assigned to them, where they might have lived free from oppression, wanton cruelty, and resentment. His lordship severely censured the boundaries as described in the preliminary articles, and imagined, that as the Americans had taken such care to secure what they had negociated for, they would in the end take all Canada into their hands. They had evidently been too cunning for us in their negociation. Why could not some man from Canada, or respectable Canadian merchant, well acquainted with the country, have been thought of for the business which Mr. Oswald had been sent to negociate? Dr. Franklin, Mr. Jay, and Mr. Laurens had been an over-match for him; he either did not know, or appeared ignorant how the country lay, that he had been granting away, as the bargain which he had made clearly indicated.—The Articles with France were full as exceptionable as those with America. The admission of that nation to a participation of the Newfoundland fishery, was a piece of the most dreadful policy and concession that ever disgraced a negociation. The very thing which reared us so many fine seamen, was to be divided with that nation which was our natural enemy, and at all times inclined to dispute the sovereignty of the ocean with us. In the East-Indies the advantages allowed them were almost as great. They were to be at liberty to make a ditch round Chandernagore, for the purpose of draining it. This might be an innocent thing enough; but suppose it was converted into a regular fortification and had ramparts; were these things beneath the consideration of ministers? Such an instance had occurred before; and the East India Company did, without ceremony, fill up the ditch; but now it was allowed by treaty, and the French would no doubt take the advantage of it. But still a more extraordinary thing than this was, the engagement entered into on the part of Great Britain, to procure a dependency round Pondicherry, which must of course be taken by force of arms; some nabob perhaps must submit to its being wrested from him.—The Articles with Spain came next under consideration. It was necessary to cede them something, and they had got Minorca. This his lordship was not sorry for. He once trembled for the fate of Gibraltar. He was afraid that important garrison was to have been the sacrifice. Gibraltar ought to be for ever retained in the possession of this country; it intersected the two great ports of refitment of France and Spain, and on that account was invaluable. But why we had granted Spain the possession of Florida he could not comprehend. It would be a most severe check to us. He concluded by expressing his approbation of the amendment proposed by the noble lord near him, whose sentiments on the occasion had done him the greatest honour, and would accompany his name to posterity with every testimony of respect and admiration. He agreed with him in every particular, and could not vote for an Address of Thanks to the King on the conclusion of treaties in which there appeared the most gross and unpardonable ignorance, to say no worse of it, and the most criminal inattention of the interests of the empire.

The Duke of *Grafton* lamented the want of that unanimity which the present period, of all the epochs in the history of this country, most strictly claimed; and from the unanimity that prevailed at the commencement of the session, he was in hopes that the Address would have passed without the comments that had been made upon it. An empire dismembered demanded peculiar care. Did Great Britain find that care now? He was grieved to answer—no! In the course of the last week, instead of men of rank and weight applying themselves to the investigation of the Preliminary Articles, what were they doing? Why, truly, intriguing and struggling for places of trust. Fie! fie! does this become the noble character of a patriot? said his grace. Certainly it does not. We all know the horrors and miseries of war. For heaven's sake! now that we have obtained peace, let us not, by our idle bickerings, deprive ourselves of its blessings, to which we have so long and so unhappily been strangers. Do not let us oppose this peace from factious motives, or by our cabals and parties within doors strengthen the spirit of discontent and clamour that is but too visible in the country. What is it, my lords, we are now disputing on? Is there any precise

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point on which an argument can by any possibility be reared? Not an atom. Does this Address tie you to the approbation of the peace? No, it does not. It only goes to thank his Majesty for conforming to your wishes, by making a peace. If the peace be really inadequate, if it be really dishonourable,—then another, a more direct, a more vengeful road is open to you than the present, to get at the delinquent administration openly, and not by this side-wind attack on the offenders—drag them in open day before the tribunal of their country; accuse them in open language. Let it not be said, that by shrug or inuendo, the character of any free man in this country, much less the character of one of the first rank next the throne, should be filched away! There can be no defence where there is no accusation. You will not, my lords, say, that an assertion is such a charge as can by any means be defended. This would be fighting against a shadow. Substantiate the outcry against this peace with any thing that has the semblance of proof, and then the advocates of it will be warranted by common sense in their notice of it. "It is base; it is dishonourable; it is cruel; it is damnation,"—according to the noble lord's idea who moved the amendment. Why, truly, all these epithets may catch the ear of such as know not what reflection is: but here, my lords, they are spent in air. This language in this place is *vox et præterea nihil.* With respect to the peace, all circumstances considered, it is as favourable a one as this country had any right to expect. Those who wished a continuance of the war, should consider how sufficient resources were to be found for carrying it on. These there would be great difficulty in finding; the nation had been greatly exhausted, and it became necessary to conclude a peace upon the best terms that could be procured, and ministers had succeeded beyond his expectations in their endeavours. Was it not time to make a peace when our fleet in the West-Indies, though superior for three months past to that of the French, could not recover even one of our lost possessions? According to some late and very authentic advices, it was well known there were in Cadiz bay 60 sail of the line, ready for an expedition to the West Indies, a little time previous to the conclusion of the peace. These ships were to be joined by others from the Havannah with troops on board. There were likewise 17,000 troops in the island of St. Domingo ready for embarkation against Jamaica, and which was intended shortly to have taken place. It was then for noble lords to consider, what our inducement could be to carry on the war another year, and at the expiration of that time, how much our situation would be improved by it. From the circumstances he had mentioned, the temptation was not very great. The fleet in the West Indies would not have been equal to that which was destined for that quarter of the world; and it was so much confined to situation, that the instant it fell to leeward, Antigua must have fallen.

Viscount *Keppel* said, that in a late situation, which he unworthily filled, he had made it his particular study to put the navy upon the most respectable footing. He thought the noble duke exaggerated the account of the Spanish navy; it might indeed be numerous, but many of their ships were foul. The French had still more bad ships than Spain; their navies amounted together to about 123 ships of the line, that of England to about 109. What the noble duke had said about the West Indies had nothing so terrible in it to his lordship. If the ships his grace had mentioned had chosen to have gone to the West Indies then, and to have made a lodgement of the troops said to be in the island of St. Domingo, they must have come to an engagement, which would have been decisive, and the event of which he should not have feared to have risked. Let the French or Spaniards have taken what course they would in the West-Indies or elsewhere, we had force to oppose them, both of ships and men; and we were ready at the time alluded to by his grace for active war, which was in contemplation. When he computed the navy of England at 109 ships, he included those which would be ready for service by May next. With such a navy, compared with that of France and Spain, could we be said to have gained that peace which we had a right to expect? No, by no means. He stood in a particular situation from the office he had lately filled, which, however, he was under the necessity of resigning, because he could not advise his sovereign to conclude a peace, of which he did not in his conscience approve. We ought to have had a better peace; our situation entitled us to it. We had made an inglorious one, with ten ships of the navy of France in our possession; and they had not, at that time, one of ours. He was

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unfortunately an obstinate man, and he had an opinion of his own. It was an opinion, however, neither founded on party, nor the slave to interest; it was an opinion that he could not give up, because his mind was not convinced that he was in an error. As to the censure conveyed in the amendment, it might probably be wrong; but as to the Address, he was confident he ought not to subscribe to it.

The Duke of *Richmond* said, that, in considering the merits or demerits of the peace, it was necessary to take in a variety of circumstances. It was first to be considered what was our situation at the time of making the peace, and how far those who had advised the conclusion, had availed themselves of the advantages of it. The cessions that had been made demanded particular attention, with an eye to the reason that authorised the places being so given up; how trade and commerce were affected in all instances, both in the ceded territories and at home. There were many other particulars not before their lordships, which it would be requisite for them to take into consideration, previous to the formation of a right judgment upon the matter. Such as the instructions to the agents, the letters in various correspondence on the point in question, the characters, the conduct, and the instructions of the principal agents in the business. Nay, oral conversation on the subject would form a great part of what they ought to scrutinize. And above all, they should not omit the minutest investigation of the relative force and weakness of the belligerent powers, the situation of their cabinets, the state of Europe in general, the probability of new wars, and the prospect that there was of our gaining alliances. However, if one must form an idea of the peace partially, from the few materials before the House, his grace freely owned he did not like the terms of the treaties. He mentioned his having disapproved of the intention of his colleagues to conclude a peace on the terms of the present preliminaries. He said, that he should not vote on the question now before the House; he should be happy to support any administration, whose intentions were to reform the abuses of the state; but he meant to oppose, strongly and firmly, a ministry in which were concerned any one of those men to whose corrupt and accursed system this country stood indebted for all her present calamities.

Viscount *Stormont* agreed with the noble duke that a full and fair judgment on this business could not be well formed, without a consideration of all those articles his grace had so properly described. But yet, how desirous soever he was of withholding his opinion, it was not in his power to do so. Ministry were resolved to force their lordships to deliver their sentiments on the subject of the peace, merely from what lay upon their table; they must therefore only blame themselves for the consequences. For my own part, said his lordship, I would with more pleasure than I can express, read any thing the noble lord at the head of his Majesty's affairs could offer in defence of his own and his colleagues conduct in the negociation of this peace; for at present there appears to me *primâ facie* evidence that there is the grossest neglect, or the most blameable ignorance, in the construction of the present treaties, by which an irremediable wound is given to the dearest interests of this country, and an eternal stain brought upon the British name.

The noble lord stated with great accuracy the question before their lordships, viz. "Whether the Preliminary Articles were such as merited applause, or deserved disapprobation." He considered them for his own part, as injurious to the essential interests, derogatory to the honour of Great Britain, and not warranted by the situation of the war. And first of all he observed, that in limited governments, like Sweden before the late revolution, and like Poland still, it might happen that no treaty of peace could be valid without the ratification of all the estates that composed the legislative power. It was contended by some persons, that in such a case as the present dismemberment of America, the prerogative of the crown could not alone conclude a treaty for effecting that separation. But his lordship did not rest his foot on that ground. The constitution had wisely placed the making of peace or war in the executive power, and God forbid, said his lordship, that I should ever see that privilege wrested from it! As peace, the noble earl who had moved the amendment, had said, was concluded, it was not now to be affected by any thing which that House could determine: the peace was to be held inviolate. What he considered was the expediency of it, in all those respects that naturally presented themselves to his view, when he considered the Articles before them.



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He adverted to the shameful ignorance that appeared in the negociation and provisional articles between England and the United American States. What reason could be given for sending out such a man as Mr. Oswald, to treat with the four American commissioners? He was far overmatched by any one of them. But it was not Mr. Oswald, that he had to do with, but those who confided in him and employed him. The first question that the British agent ought to have put to the American commissioners, was, whether they had full powers to agree upon a general amnesty and restitution of goods to all loyalists without exception? These were men whom Britain was bound by every tie to provide for and protect. Yet, alas, they were made a part of the price of peace. Those who were the best friends of Britain, were, on that very account, excepted from the indulgence of Congress. Britain connives at the bloody sacrifice, and seeks for a shameful retreat, at the expence of her most valiant and faithful sons! How different from this was the conduct of Spain to the loyalists in the Netherlands, in the reign of Philip 3, on occasion of the famous truce in 1609, and also in the peace of Munster. Their effects and estates were either restored, or they were paid interest for them at the rate of 6¼ per cent. on the purchase money. Here lord Stormont repeated several of the articles of the truce between Philip 3, and the United Provinces, which was concluded at Antwerp in 1609; which articles were also agreed to at the peace of Munster. A general act of indemnity was passed, without exception of place or person. He also touched on the case of the Catalonians, who revolted from Spain, once when they put themselves under the protection of France, and again when they put themselves under the protection of Britain. In both cases, their privileges, lives, and properties, were preserved to them. Even cardinal Mazarin, so artful, so shuffling and fallacious, and he meant not the most distant allusion to any of his Majesty's ministers, (for the parliament of Paris determined, that to call any person a Mazarin was a reproach to him, and that an action would lie) even he, though so little scrupulous on most occasions, deemed it sound policy to observe good faith with the Catalonians. He negociated the peace of the Pyrenees himself, and he took care, that an act of indemnity should be published in their favour, on the same day in which a proclamation was issued reclaiming their obedience. History furnishes no example of such base dereliction. From the loyalists he passed on to our Indian allies, with whom we had had a long connection, on whom we had bestowed the name of the children of the King, and with whom, said he, we swore to preserve inviolate friendship as long as the woods, and mountains, and rivers should remain.

His lordship next turned his attention to the boundary line that had been agreed on by the American commissioners, and that very extraordinary geographer and politician, Mr. Richard Oswald. There was, prefixed to the Articles of peace between England and America, a very pompous preamble, setting forth that those treaties were the best observed in which were reciprocal advantages. He was a long time at a loss to understand the meaning of those words 'reciprocal advantages.' But at last he discovered that they meant only the advantage of America. For in return for the manifold concessions on our part, not one had been made on theirs. In truth, the American commissioners had enriched the English dictionary with several new terms and phrases; reciprocal advantages, for instance, meant the advantage of one of the parties; and a regulation of boundaries meant a cession of territory.

His lordship then took a view of our concessions on Newfoundland, the ceded islands of St. Pierre and Miquelon, which being fortified, will command the entrance of the river of St. Laurence. The liberty accorded to the Americans to settle in Nova Scotia; the cession of Penobscot, a nursery of masts; the giving up of all that was important or valuable in Canada; the Floridas, important for their situation, and agreeable in respect of climate and soil—We might as well have ceded all Canada to them, as to have drawn such a line of separation; for all the forts which commanded the lakes were in their hands, and we were wholly defenceless, and at their mercy, in our navigation of the lakes: besides, we had given up to them by that boundary, a tract of country four times as large as Britain, and in that tract above six-and-twenty nations of our Indian allies, whose hunting grounds we were obliged, by treaty, to protect, and from whom (setting aside those feelings which dignify human nature) we received most essential benefits in the article

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of their trade of peltry and furs. The noble viscount dwelt on this topic with great energy, and declared himself astonished and confounded at the conduct of ministers in this respect. From this impolicy his lordship turned to Newfoundland, and there he complained of ministers giving to the French near seven degrees of latitude for their own exclusive fishing, and at the same time that we did that, we also gave the Americans a participation in all our fisheries, in all our creeks and harbours, and never made any stipulation for our fishing reciprocally in theirs. The granting of St. Pierre and Miquelon to the French was the next object that met the reprehension of his lordship. If they fortified these two places, as they certainly might, if they pleased, his lordship declared our fisheries on that coast to be altogether unsafe, and of course of little or no advantage to us. The noble viscount referred to the various treaties which had been made in respect to this fishery, and shewed what honourable pains the earl of Chatham had always taken to preserve this fruitful nursery of seamen to the British crown. By the provisions made respecting this fishery, there would be an end at once put to the British trade. While he was ambassador at the court of Versailles, they set up a title to the fishery ceded to them by the peace of Utrecht, unshackled by reciprocity. He wrote home for instructions, and received so clear, distinct, and at the same time so peremptory a statement of the English right to fish in common with the French, on the west side of the island, that they were satisfied, or at least they relinquished their claim for the time, and wisely postponed it until a moment should come more favourable to their ambition, when perhaps, there should be an English minister, so solicitous of power, so anxious to fix himself in his seat, as to hurry a negociation to its end, without care or anxiety for the interest of the state, which he was appointed to govern. He now considered the fishery as irretrievably gone; for there was not a syllable of reciprocity in the treaty, and we yielded, in full right, the possessions of St. Pierre and Miquelon, which they would instantly fortify, and secure to themselves an immense trade. The concessions made to America in this particular, were also very material. The unsettled coasts and bays in Nova Scotia were to be opened to them, and we were to have no power to fish in their bays in return. Eternal jealousies would arise, and instead of securing a peace, we had, in truth, granted all this for the sake of involving the nation in a new war. The cession of the two Floridas he could not account for upon any reason, either of necessity or prudence. There was no bargain in the business; for there was nothing granted to England in their stead. The manner in which these provinces were delivered up, was as mad as it was impolitic. No measure was taken for the security, or the relief of the planters and inhabitants, nor any provision made, by which they might be enabled to dispose of their property, if they did not choose to continue in the provinces subject to the court of Spain. The noble viscount then exposed, in glaring colours, the folly of stipulating for the navigation of the Mississippi, when every thing that could make the Mississippi valuable was gone. We had no coast, there was no junction even with the lakes, no communication by which we could transport our furs to any market. In short, the Article for the navigation of the Mississippi, was an insult on our understandings, added to all the injuries done to our property by the present peace.

The noble viscount passed to the West Indies. Here there were equal marks of egregious folly: he entered into a long argument to prove that we had it in our power to have made a peace with France without the cession of Tobago. We were in possession of St. Lucia, which, whatever may be its intrinsic value, the French consider as invaluable. We were in possession of St. Pierre and Miquelon, which completely shut them out from the whole of the fishery of Newfoundland; and having therefore these strong points, we should have proposed to agree to a peace on the ground of *uti possidetis*. He was free to own, that this would not have been favourable to us in the West Indies; but the fact is, that the French durst not agree to it. They durst not give up St. Lucia; they must have the fishery; and therefore, as they must resist the offer of *uti possidetis*, the alternative was plain—let us agree then on the footing of complete restitution. To this we were fairly and fully entitled. But, instead of this, we give up Tobago, an island of the utmost consequence to the manufactures of this country, as well as to its interest in the West Indies. He mentioned a manufactory of cotton goods lately established in France, which only wanted the cotton of

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Tobago to make it the rival of Manchester. That was given to them, and there was no equivalent whatever given to us in return. On the coast of Africa the concessions were subject to the same complaint. We had given up a most valuable trade, and had made such stipulations, in regard to the gum, as would finally extinguish our connection with that quarter of the world. But in the East Indies, more perhaps than any where else, were the shameful and degrading concessions of the present peace to be found. The delivery of Chandernagore, with a ditch, and the promise to procure territories from our allies, were circumstances so humiliating and injurious, that he could not conceive by what strange fatality our ministers were actuated in this respect. He entered into a long discussion of the articles respecting the east, and pointed out the injuries done to the Company in a forcible manner. In this quarter of the world we had driven the French from every thing. They had no claims, they had no power, they had no footing, and we might have found in the East Indies a recompence for all our losses in the West; but the rule of concession was alone regarded by our ministers in all that they had done. He enlarged on the importance of Dunkirk to France. In a war with England, that harbour, opened and repaired, would be capable of containing twenty or thirty ships of good size and burthen. These issuing out, at all seasons, would annoy our trade in its very center, and counterbalance in some measure the advantages of our local situation for commerce. Dunkirk, at the same time, would be of no use to the French, but in a war with England. In our precipitancy to allow the reparation of Dunkirk, therefore, the language of the crown, without any exaggeration or colouring, was plainly this: "To shew my good brother of France how earnestly I desire his friendship, I will give him up Dunkirk for the convenience of making war on my loving subjects."

Another thing in the treaty with France particularly struck him, as it seemed to indicate that ministers were as negligent of the high honour and dignity of the empire, as they were of its possessions. In the Article respecting the capture of prizes, the Channel was no more called the British seas, which, in all the treaties that were made during the present century, was uniformly so called. This was matter of very great consideration, at a time when we were conceding every thing that was either the object of pride or of interest. This was an insult which the flippant vanity of France would be fond to give, but which ought not to have been suffered. But considerations of this kind were beneath the attention of ministers of the present day, who seemed to think that to make a peace at any rate, was to do a meritorious work, and such as the nation of course must applaud when applied to for that purpose. Under that idea, the present motion of address was made; not to thank his Majesty for his gracious condescension, or to congratulate him upon the return of peace, but to gain the thanks of that House for a work that ministers had done. If his lordship should be asked, if the present peace was a good one, and such as, under much greater calamities than those we had suffered, ought to be accepted of, he would lay his hand upon his heart, and answer positively, No! He had been brought up in the habits of independence, and would therefore on all occasions give an opinion accordingly. Would not every man of independence answer on the present occasion as he did? Certainly he would; and where was the circumstance on the *primâ facie* appearance of things, that indicated the impropriety of his determination? Ministers would say, that if a peace could not be had on the terms to be wished for, it was expedient that it should be accepted upon those terms which were offered. The principle of this proposition his lordship allowed, but denied the application. It was a fact to be mourned, that the elements had fought against us, and the hand of Providence had sometimes been felt severely upon us; but we had had no disasters that had not been more than compensated by the victories of our gallant commanders, in the different parts of the world: the successes of whom, and their merits, his lordship took notice of in terms of high applause.

Lord *Grantham* said, that he had the greatest respect for the authority, which the noble lord had alluded to in the course of his speech, and should have thought himself exceedingly happy to have had it in his power to have imitated the conduct of that great man, whom his lordship had held out to him as worthy of being remembered. Times were changed since the peace the noble lord had hinted at was made, and many concurrent circumstances rendered it almost impossible



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to negociate so well, as to place the nation in that agreeable state which it found itself in at the conclusion of that peace.—He assured their lordships that nothing had been entered into without first being considered in the most careful manner over and over again, and almost every possible contingency duly weighed. The difference between concluding a peace with one enemy, and with a host of them, was productive of the greatest difficulties in negociation. Added to this, England was without even a single ally to assist her on the greatest emergency. For his part, he considered the peace as good a one as, considering our situation, we could possibly have had. But our reduced situation was in consequence of that blind and unfortunate pursuit of the war in America, by an administration more obstinate than wise, and which war, if continued, would have brought destruction upon the empire. His lordship said, he scorned to shelter himself from blame, by throwing it upon an innocent colleague; and therefore, he made no scruple to declare, that the reason why the words the noble viscount had mentioned as proper to be inserted in the Article alluded to by him, viz. Preserving to this country the distinction of calling the Channel and North seas, the British seas, was, that by some most unaccountable and unhappy mistake of his own, they had been left out. As soon as he found this, he was exceedingly alarmed and distressed, and took every possible means to remedy the evil. The Articles had been sent off with this deficiency, and his lordship had made an application, in which he was so happy as to succeed, and an instrument was signed and exchanged, calling the Channel and North seas the British seas; so that the evil was redressed by the only method that was possible.—His lordship, in answer to the noble viscount's objections to giving up the island of Tobago, observed, that it was a most disagreeable thing, no doubt, that such a concession should be made; and yet he did not know any possible case of cession where the consequences would have been so triflingly disagreeable as in the instance of Tobago. The inhabitants of which must be considered as those who frequently change their masters, and if their property is secured, they may not perhaps suffer much hardship by a change of allegiance. With respect to the rest of the cessions that had been made to France, he could not look upon them in that humiliating light which some noble lords had considered them in. It was necessary to make concessions to France; she was determined at all events to have them, as some equivalent for those humiliating ones which she herself was obliged to make at the conclusion of the last war. Noble lords could not but recollect the submission France made to this country, which galled her pride, and which were rather feathers coveted by the French for the sake of pride than use; these were the islands of St. Pierre and Miquelon; and that we should depart from the old article for the demolition of Dunkirk. These were not objects of consequence to England, nor such as she ought to struggle for at the hazard of a war. Such only were the things which had been given up to the French both in the East Indies and in America, except indeed the island of Tobago; but their lordships would reflect on our losses, and on our situation; and granting that there must be concessions, they would believe that the loss of Tobago was not so material.

Viscount *Sackville* spoke in the most pointed terms of reprobation of the peace; and declared it to be in every instance the most unwise, impolitic, and ruinous treaty that this country had ever made. In regard to the abandonment of the loyalists, it was a thing of so atrocious a kind, that if it had not been already painted in all its horrid colours, he should have attempted the ungracious task; but never should have been able to describe the cruelty in language as strong and expressive as were his feelings. The King's ministers had weakly imagined that the recommendation of the Congress was a sufficient security for these unhappy men. For his own part, so far from believing that this would be sufficient, or any thing like sufficient for their protection, he was of a direct contrary opinion; and if they entertained any notions of this sort, he would put an end to their idle hopes at once, by reading from a paper in his pocket a resolution which the assembly of Virginia had come to, so late as on the 17th of December last. The resolution was as follows: "That the laws of the state confiscating property held under the laws of the former government, (which had been dissolved and made void) by those who have never been admitted into the present social compact, being founded on legal principles, were strongly dictated by that principle of common justice, de-

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mand that, if virtuous citizens, in defence of their natural and constitutional rights, risk their life, liberty, and property on their success, the vicious citizens who side with tyranny and oppression, or who cloak themselves under the mask of neutrality, should at least hazard their property, and not enjoy the benefits procured by the labours and dangers of those whose destructions they wished. That all demands or requests of the British court, for the restitution of property confiscated by this state, being neither supported by law, equity, or policy, are wholly inadmissible; and that our delegates in Congress be instructed to move Congress, that they may direct their deputies, who shall represent these states in the general Congress for adjusting a peace or truce, neither to agree to any such restitution, or submit that the laws made by any independent state of this union be subjected to the adjudication of any power or powers on earth." His lordship demanded what ministers had to say now for this boasted recommendation, for which they had stipulated with Congress? Could they say, that the unhappy men who had fought and bled for this country, who had given up their all and the all of their little families; could ministers say that these men who had said and done and suffered all that was in the power of human nature for our cause, ought not to have had a better security than the present, from scorn, insolence, and ruin? A peace founded on such a sacrifice as this, must be accursed in the sight of God and man. His lordship added a few words of animadversion on other parts of the treaty. All the forts were on the American side; the immense district of country which supplied us with masts was gone; the Indian nations were abandoned; and we were insulted with the navigation of the Mississippi, when all its benefits were taken away. He then concluded with giving his hearty approbation to the amendment.

Viscount *Howe*, after giving an account of the state of the navy, in detail, summed up its force, and said, that by May next, what with the number of vessels we had already, and those now in forwardness, this country might reckon upon 99 line of battle ships, tolerably fit for service; and, by the best accounts, the force of the united House of Bourbon might be about 125. By the latest accounts from Cadiz, the Spaniards and French had 60 sail of the line lying in that harbour, in prime condition, and in every respect well equipped for the most vigorous and active service. He recounted the transactions of the late campaign, and attributed a great deal of our success to chance; for, in a competition of strength with the enemy, we were greatly inferior. Many of the ships were in a poor condition; that, for instance, on board of which he hoisted his flag, the Victory, was very bad, and very unclean. He closed with observing, that if no other good attended the present pacification than the mere breathing time it gave us, we ought to count the interval a happy one, and instead of idly flinging away our remaining strength in unnatural squabbles among ourselves, unite and endeavour to make the best use of our time, in recruiting against the possibility of future hostility. This, he trusted, their lordships' good sense would consider to be the advice of patriotism, and not of party.

Lord *Keppel* said, his last accounts respecting the state of the Spanish navy at Cadiz, spoke it to be no more than 42 sail of line of battle ships; and he computed our force, good, bad, and indifferent, to be 109. He could not, indeed, enter into the minutiæ of the condition of our navy; he did not imagine it would be consistent with prudence; but so much would he say, that he did not imagine the condition of our enemy's naval affairs was so good as our own, or that they had any thing like such a prospect.

Viscount *Howe* said, that the accounts on which he had founded his report of the state of the Spanish navy at Cadiz, were later than those his lordship relied on; but he could not, he said, subscribe to the mode his lordship took of estimating the naval strength of Great Britain, under the description of good, bad, and indifferent; good and indifferent, a prudent man would think was stretching the account to the utmost verge of shew; indeed, he could hardly say, utility; but to include the bad in the statement, would be dangerous computation indeed.

Lord *King* said, he did not approve of the manner in which the war had been carried on; nor was he more reconciled to the peace: vigour and spirit, which seemed to him essentially necessary to the dignity of martial or pacific transactions, were wanting in both cases. A noble lord (Sackville) had read the House a continuation of that lesson which Ame-

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rica, from the very outset of the unfortunate quarrel with this country, had been constantly giving this country. The doctrine was as old as the creation, though we seemed to be ignorant of it, "He who is not for me in a state of civil war, is, to all intents and purposes, against me." The language of war is harsh and dissonant. The introduction of a soft note into it, on any pretence whatever, only betrays an ignorance of the music. In plain terms, whenever there is a melancholy necessity for a war of the nature with that of America, tenderness in the beginning will, upon a review of events, be found cruelty in the end. For his own part, his lordship declared, that if he had had the conducting of the war, he would have instantly, on the first accounts of the rebellious conduct of the Americans, sent off a powerful force to their country; and instead of burdening the peaceful and loyal subjects which these troops had left behind, he would have ordered them to subsist themselves upon the properties of the rebels, until by a salutary course of military physic, they had taken them down from their aëreal stilts, and reduced them to the standard of common sense and allegiance. The deficiency of spirit which his lordship thought so culpable in the late ministry, appeared also in this, and therefore he could not, consistent with his former opinions, give his approbation of a peace whose frame betrayed so much imbecility.

The Earl of *Shelburne* then rose. The lateness of the hour, my lords, said his lordship, will not suffer me to take the liberty of trespassing so far on your patience, as my feelings would prompt me to on the present occasion. I shall not address your passions—that candid province I will leave to those who have shewn such ability for its government to-night. As my conduct has been founded upon integrity—facts, and plain reasoning, will form its best support. I shall necessarily wave the consideration of the critical moment at which I stepped into the administration of the affairs of this country—a moment when, if there be any credit due to the solemn, public declarations of men, who seemed then, and seem now, to have the welfare of the state nearest to their hearts—every hope of renovated lustre was gone, and nothing but dreary despondency remained to the well-wishers of Great Britain. I am now speaking within memory, and consequently within proof. It is not for me to boast of my motives for standing forward at a period so alarming. My circumstances are not so obscure as to render my conduct a matter of dubiety, and my own explanation of my feelings would, I flatter myself, fall far short of that credit which sympathy would give me in the minds of men, whose patriotism is not that of words: the ambition of advancing to the service of our country in an hour when even brave men shrink from the danger, is honourable, and I shall not be catechized for entertaining such an impulse. I make no merit of my hardihood, and when I speak of mine, I wish your lordships to understand me as speaking of the generous enterprize of my noble and honourable colleagues in administration. It was our duty as good citizens, when the state was in danger, that all selfish apprehensions should be banished. I shall not, therefore, expatiate on my reasons for coming into office, but openly and candidly tell your lordships how I have conducted myself in it. A peace was the declared wish of the nation at that time. How was that to be procured best for the advantage of the country? Certainly by gaining the most accurate knowledge of the relative condition of the powers at war. Here a field of knowledge was required to be beaten, to which no one man, vast and profound as it is possible to picture human capacity, would by any means be supposed equal. Then if one man was inadequate to the whole task, the next question naturally is, what set of men are best qualified as auxiliaries in it? What is the skill required? A knowledge of trade and commerce, with all its relations, and an intimate acquaintance with military affairs, and all its concomitants. Were men of this description consulted previous to, and during the progress of the treaty now before your lordships? I answer, they were. And with this sanction administration need assume no false brow of bravery, in combatting the glittering expressions of that hasty opposition that had been set up to the present terms.

Let us examine them, my lords, let us take the several assertions in their turn, and without wishing to intrude too much on your lordships time, I shall be pardoned for giving a distinct answer to each head of objection. Ministry, in the first place, is blamed for drawing the boundary they have done between the territories of the United States and those of our sove-

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reign in Canada. I wish to examine every part of the treaties on the fair rule of the value of the district ceded—to examine it on the amount of the exports and imports, by which alone we could judge of its importance. The exports of this country to Canada, then, were only 140,000*l.* and the imports were no more than 50,000*l.* Suppose the entire fur trade sunk into the sea, where is the detriment to this country? Is 50,000*l.* a year imported in that article any object for Great Britain to continue a war of which the people of England, by their representatives, have declared their abhorrence? Surely it is not. But much less must this appear in our sight, when I tell parliament, and the whole kingdom, that for many years past, one year with another, the preservation of this annual import of 50,000*l.* has cost this country, on an average, 800,000*l.* I have the vouchers in my pocket, should your lordships be inclined to examine the fact. But the trade is not given up, it is only divided, and divided for our benefit. I appeal to all men conversant with the nature of that trade, whether its best resources in Canada do not lie to the northward. What, then, is the result of this part of the treaty, so wisely, and with so much sincere love on the part of England clamoured against by noble lords? Why this. You have generously given America, with whom every call under Heaven urges you to stand on the footing of brethren, a share in a trade, the monopoly of which you sordidly preserved to yourselves, at the loss of the enormous sum of 750,000*l.* Monopolies, some way or other, are ever justly punished. They forbid rivalry, and rivalry is of the very essence of the well-being of trade. This seems to be the æra of protestantism in trade. All Europe appear enlightened, and eager to throw off the vile shackles of oppressive ignorant monopoly; that unmanly and illiberal principle, which is at once ungenerous and deceitful. A few interested Canadian merchants might complain; for merchants would always love monopoly, without taking a moment's time to think whether it was for their interest or not. I avow that monopoly is always unwise; but if there is any nation under heaven, who ought to be the first to reject monopoly, it is the English. Situated as we are between the old world and the new, and between the southern and northern Europe, all that we ought to covet upon earth is free trade, and fair equality. With more industry, with more enterprize, with more capital than any trading nation upon earth, it ought to be our constant cry, let every market be open, let us meet our rivals fairly, and we ask no more. It is a principle on which we have had the wisdom to act with respect to our brethren of Ireland; and, if conciliation be our view, why should we not reach it out also to America? Our generosity is not much, but, little as it is, let us give it with a grace. Indeed, to speak properly, it is not generosity to them, but œconomy to ourselves; and in the boundaries which are established we have saved ourselves the immense sum of 800,000*l.* a-year, and shewed to the Americans our sincere love and fair intentions, in dividing the little bit of trade which nature had laid at their doors; and telling them that we desired to live with them in communion of benefits, and in the sincerity of friendship. "But the Indians were abandoned to their enemies!" Noble lords have taken great pains to shew the immense value of these Indians; it was not unnatural for noble lords, who had made so lavish a use of these Indians, to complain of their loss; but those who abhorred their violence would think ministry had done wisely. The Americans knew best how to tame their savage natures. The descendants of the good William Penn would manage them better than all the Mr. Stuarts with all the Jews-harps, razors, trumpery, and jobs that we could contrive. "But our treaties with them bound us to everlasting protection!" This is one of those assertions which always sounds well, and is calculated to amuse the uninformed mind: but what is the meaning of *in perpetuo* in all treaties? That they shall endure as long as the parties are able to perform the conditions. This is the meaning of perpetual alliances; and in the present treaty with America, the Indian nations were not abandoned to their enemies; they were remitted to the care of neighbours, whose interest it was as much as ours to cultivate friendship with them, and who were certainly the best qualified for softening and humanizing their hearts. But I shall dismiss this subject, though it is blended with others, and proceed to the investigation of the rest of the objections to the treaties of pacification.

"Why have you given America the freedom of fishing in all your creeks and

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harbours, and especially on the banks of Newfoundland," say the noble objectors to this article? Why? because, in the first place, they could from their locality have exercised a fishery in that quarter for the first season (for there are two), in spite of all our efforts to repel them. In February the first season commences, and that is entirely at their devotion; for our people can never take their stations there so soon. With regard to the other season, let us again revert to what I have said respecting the fur trade; though we have not a monopoly, we have got such superior advantages in the article of drying, curing, and preparing our fish for market, from the exclusive command of the most contiguous shores, that a rivalry can only whet our industry to reap those benefits our preferable situation in this respect presents to us. "But why have you not stipulated a reciprocity of fishing in the American harbours and creeks?" I will tell your lordships:—because we have abundant employment in our own. Would not an American think it sordid in the extreme, nay, consider it bordering on madness, to covet the privilege of battening our cattle on some of their sterile wilds, when we had our own fertile savannahs to have recourse to? Such would be the opinion entertained of ministry, if it had childishly and avariciously made a stipulation of the nature the objectors think they ought to have. The broad and liberal policy on which the present treaty is formed, is in my opinion much more wise and beneficial than would have been the narrow and wretched plan of bargaining for every little particle of advantage which we might have procured, perhaps, by stickling in the negociation. As to the masts, a noble lord said, we were to have in such abundance at Penobscot, I will oppose a fact to his bare assertion. I have in my pocket a certificate from one of the ablest surveyors in our service, captain Twiss, that there is not a tree there capable of being made into a mast.

But there remains somewhat in these provisional Articles still to be considered, which I have never reflected on without feelings as pungent as any which the warmest admirers of the virtues of the loyalists can possibly have experienced. I mean the unhappy necessity of our affairs, which induced the extremity of submitting the fate of the property of these brave and worthy men to the discretion of their enemies. I have but one answer to give the House in this particular; it is the answer I gave my own bleeding heart. A part must be wounded, that the whole of the empire may not perish. If better terms could be had, think you, my lords, that I would not have embraced them? You all know my creed. You all know my steadiness. If it were possible to put aside the bitter cup the adversaries of this country presented to me, you know I would have done it; but you called for peace. To make it in the circumstances, which your lordships all know I stood in, was most arduous. In this point, nothing could be more grievous to me. Neither in public nor in private life is it my character to desert my friends. I had but the alternative, either to accept the terms, said Congress, of our recommendation to the states, in favour of the colonists, or continue the war. It is in our power to do no more than recommend. Is there any man who hears me, who will clap his hand on his heart, and step forward and say, I ought to have broken off the treaty? If there be, I am sure he neither knows the state of the country, nor yet has he paid any attention to the wishes of it. But still I do not despond with respect to the loyalists. I rely upon the wisdom, the honour, and the temper of the Congress. Their recommendation was all that in the nature of things we could procure. They were cautious in wording their treaty, lest they should possibly give offence to the new states, whose constitutions had not advanced to those habits of appearance and strength that banishes all suspicions; peremptory language is not the language of a new state. They must soften their applications. In all their measures for money, for men, they have used the word recommendation to the provincial assemblies; and it has always, or at least generally been paid respect to. And, believe me, they'll do the loyalists the offices not of friends, who surmise doubts on this occasion. But say the worst; and that after all, this estimable set of men are not received and cherished in the bosom of their own country: is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? Who can be so base as to think she will refuse it to them? Surely it cannot be that noble-minded man, who would plunge his country again knee-deep in blood, and saddle it with an expence of 20 millions for the purpose of restoring them. Without one drop of blood spilt, and without



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one-fifth of the expence of one year's campaign, happiness and easiness can be given the loyalists in as ample a manner as these blessings were ever in their enjoyment; therefore let the outcry cease on this head. But which of the two stiles of language is the more likely to assist the loyalists: the stile of the Address which declares the confidence of parliament in the good intentions of the Congress, or of the noble lords who declare that recommendation is nothing? It surely requires no great depth of penetration to distinguish between these things. A noble viscount asks why Mr. Oswald was appointed as negociator against such odds? Because he was fitted for the great work in question, by the qualities both of his head and his heart. He was inflexibly upright; had long and liberally been engaged in commerce, and was well versed in the local knowledge of America: no man, therefore, would deny Mr. Oswald's fitness for his station. At the same time his lordship was free to say, there might be a few men more fit, but they had not come to his cognizance. The noble viscount (Sackville) might have been a better negociator; might have distinguished himself as he had always done, both in the cabinet and in the field. Or, perhaps, the other noble viscount (Stormont) might have been more remarkable; and if we could have conquesed any aversion in his lordship to venture again on the same theatre, where he had not been received with very general satisfaction before, he, no doubt, would have concluded a peace with the same fortunate distinction with which he commenced the war.

I shall now advert to the preliminary Articles with France and Spain; and first to the objections respecting the cession to France on the coast of Newfoundland. This, to be sure, is not to be tried by the rule of imports and exports. But what is it? Seven degrees of latitude. These are sounding words; but they are no more. By this part of the treaty future quarrels are guarded against. The concurrent fishery formerly exercised was a source of endless strife; the French are now confined to a certain spot; it is nothing compared to the extent we possess, and it is besides situate in the least productive part of that coast. But I would not have your lordships pay greater attention to my bare assertion, than I trust you will to the assertions of those who take upon themselves to pronounce this part of the treaty wrong. I have here ready for your inspection the opinions of the ablest men on that subject. I applied to the person best qualified to point them out to me. The noble lord near me, (Keppel) then at the head of the admiralty, referred me to three officers in his Majesty's service, whose judgment and integrity he could rely on, and your lordships, on the bare naming of them, will rely on them too. Admiral Edwards's testimony must have its weight; the testimony of captain Levison Gower, whose services the nation are to enjoy in peace as well as war; and that of lieut. Lane, who took an accurate survey of the whole coast, and who was well qualified for the task, as he served under and possessed the confidence of the famous circum-navigator, captain Cook. These officers all declare, that the best fishing was to the southward, which was entirely in the possession of the English, so that we must doubt the national spirit, and the national industry of this country, before we can pronounce this so much talked of exclusive seven league fishery an injury to Great Britain.

As to the cession of St. Pierre and Miquelon, where is the proof that these places can be fortified so as to annoy us? I have in my hand that which will satisfy your lordships how idle all surmises are on that head. Here are certificates from the most skilful and experienced engineers, that neither St. Pierre nor Miquelon would admit the construction of a fortress, which could stand the attack of the smallest of your frigates.—With respect to the cession of the two Floridas, I must refer again to the exports and imports. The imports are not more than 100,000*l.* and the exports hardly exceeded 120,000*l.* To be sure, I would not willingly take so much from the commerce of the nation; but amidst the millions of our trade, is this an object worth contending for at the hazard of continuing the war? The navigation of the Mississippi has been reprobated as an useless acquisition. Could men seriously assert this? Was a navigation of so many hundred miles up a country, where there is a call for our manufactures, an useless thing? Surely not.

I shall now proceed to take a view of our affairs in the West Indies. All the islands there are restored to us, and in return, we cede St. Lucia and Tobago. St. Lucia, held in so much estimation now, may be tried more fairly by the value set upon it at the last peace. As I said before, on all hands it is allowed that that was not

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a humiliating, but a high and mighty peace for this country. Why, therefore, if this island was, as the objectors pretend, the key-stone that supported and connected the arch of all our power in the leeward islands, was not this island then retained? But I can produce the opinions of your most experienced seamen on this head; and I assert, that St. Lucia is not of that vast consequence some noble lords would possess this House with the opinion of, in order to depreciate the merits of the treaty. With respect to Tobago, it is said, the cession of that island will ruin our cotton manufacture. Pray let me ask noble lords, was our cotton manufacture a poor one before we possessed that island? It was not poor then, why should it be poor now? We have been long in possession of that great branch of trade, consequently we can afford to give a greater price for cotton than our neighbours. Cotton, therefore, be it in the hands of friend or foe, will always find its way to our door, in preference to that of those who cannot meet it with such a purse. But I know a few over-grown monopolizers of that article, or selfish proprietors, would see the nation steeped in blood, sooner than they would forfeit, by the peace, one farthing of that emolument which they used to make when Tobago was in our hands. Let me comfort these worthy men, by telling them, that the islands restored to us, contain a vast number of acres, uncultivated, which may be applied to the growth of this so much coveted commodity. But let it be remembered, that we have kept Dominique, an island as valuable to this country, if not more so, than St. Lucia, if considered as a place of observation and strength. I have it on the authority of a noble admiral, whose conquests in the West Indies have been distinguished by laurels that will bloom for ever, that Dominique is capable of being rendered all that ever St. Lucia could pretend to be, and that it contains also superior advantages in respect of climate and situation.

We will now, my lords, look to Europe. I am asked, why overlook all the treaties respecting Dunkirk? Why, let me ask the question in return, why were not these treaties ever enforced during all the administrations which have passed away since the demolition of that harbour was first stipulated? This negligence is *prima facie* evidence of the little account in which the fulfilling of that treaty has hitherto been held, for were it otherwise, we had often since the power to enforce it. And I have heard that able seaman, the late lord Hawke, declare, that all the art and cost that France could bestow on the bason of Dunkirk, would not render it in any degree formidable or noxious to Great Britain. But, as was well observed by a noble friend near me, (lord Grantham) France wished to have the feathers she formerly strutted with restored to her; and, surely, no sober man would continue the war to thwart a fancy so little detrimental to us. However, if we are mistaken, let the proof be produced. Till then, I trust your lordships will suspend your judgments. The cession of Minorca has not been objected to, and therefore I do not enter into the defence of that Article; but I must take notice in this place, that it is not perfectly fair in stating the particulars of these treaties, to overlook all that we have gained. The salvation of Gibraltar, under all the circumstances of the present war, is a point of glory which would not easily be snatched from ministers. No man had ever asserted that Gibraltar might not be given up upon certain terms. Gibraltar was saved!

We will now, my lords, proceed to the examination of the objections against the part of the French treaty that respects our affairs on the coast of Africa. "Senegal is given up, and the gum trade is therefore lost." Is that inference just? Is not the faith of France engaged for our having a fair share of that trade? More than a share we never were in possession of. "But what tie is this same faith?" Why, as strong a tie as all men of reflection must know every parchment tie is between rival nations: only to be observed while interest or convenience obliges. The ties of nations no man can be so wretchedly versed in history, or so miserably deficient in observation, as to place upon the parallel with those which are binding upon individuals: but on enquiry your lordships will find, that Senegal, which we have given up, is not so favourably situated for trade as Senegambia, which we have kept. The former has a bar dangerous to shipping; an inconvenience which the other is free from. In a word, by this Article of the treaty, instead of losing any thing, we secure (as much as we ever had secured) a share in the gum trade, and we are not under the necessity we formerly were of making that coast a grave for our fellow-subjects, thousands of whom were annually

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devoted to destruction from the unhealthiness of that climate, by means of our jealousy, which sent them there to watch an article of trade, which in vain we endeavoured to monopolize.

I must now, my lords, call your attention to what concerns the part of the treaty respecting the East Indies. Here ministry are asked why they restored Pondicherry to the French? and why they gave permission to them to run a ditch round Chandernagore? Two cogent reasons can be given for this conduct: the first is the unwillingness, and the inability of this country to prosecute the war; and the other is the distracted state of the British dominions in that part of the world. By the last accounts from thence, the troops were declared to be four months unpaid, and of course upon the eve of a mutiny. Nay, in such miserable situation were the affairs of the East India Company in that quarter, that they were obliged to mortgage their commodities to wealthy individuals, who would not (so reduced is the credit of the Company in that quarter of the globe) take their solemn assurance for the faithful disposal of the stock at the East India sales here, but employed agents to see the business more securely transacted. Do your lordships know that there are 1,400,000*l.* of these draughts yet unpaid; that there are 240,000*l.* more coming home? And that your lordships may form some estimate of the extravagance of the usury at which the Company were obliged to borrow from these people, I must inform your lordships, some of the very agents employed by those usurers have 20,000*l.* a-year commission for their trouble. Is it necessary, my lords, to say a word more for the necessity of conceding these matters to the French, who were at the very moment forming alliances with Hyder Aly, our most formidable and inveterate enemy, to drive us entirely out of the country? Our old foe, M. de Bussy, in the decline of life, almost at the age of eighty, leaving France purposely to form alliances! And what have we to withstand their force when formed? Will unpaid troops fight, think you? But say that it was possible to expect such disinterested conduct from a common soldiery, will, or rather can famished troops fight? Our account about the same time tells us, that our forces sent out against Hyder Aly were in daily dread of being starved to death. What stand could an army of infantry (for we have no horse) make against that potent prince, and his numerous, well-appointed, formidable cavalry? None. They would be as chaff before the wind. Do your lordships know too, that all hopes of peace with the Mahrattas are frustrated; that we have been deceived by idle stories of applications being made to men of power in the Mahratta states, who promised to exert their influence, but it was found, that they had no influence upon earth? While, therefore, the French court were ignorant of the sad condition of our affairs in that quarter, while they were as yet unacquainted with the result of M. de Bussy's negociation with the Indian powers, was it not prudent in the British ministry to concede, as they did at that moment, when there was a probability that they had conceded what was no longer in their power to keep?

I have now gone, as well as my memory serves me, through the detail of all the objections which have been made to the treaties; and, I trust, your lordships see from the facts to which I have all along referred you, the necessity and the policy of our conduct in this particular. Let me, before I conclude, call to your lordships minds the general state of this country, at the period in which the pacific negociations were set on foot. Were we not at the extremity of distress? Did not the boldest of us cry out for peace? Was not the object of the war accomplished? Was not the independence of America solemnly recognized by parliament? Could that independence be afterwards made a stipulation for the restoration of tranquillity? On an entire view of our affairs at that time, is there any honest, sensible man in the kingdom that will not say the powerful confederacy with whom we had then to contend had the most decided superiority over us? Had we scarce one taxable article that was not already taxed to the utmost extent? Were we not 197 millions in debt? and had we not the enormous sum of 25 millions unfunded? Our navy bills bearing an enormous discount; our public credit beginning to totter; our resources confessedly at an end; our commerce day by day becoming worse; our army reduced, and in want of 30,000 men to make up its establishments; our navy, which has been made so much the boast of some men, in such a condition, that the noble viscount, now at the head of the profession, in giving a description of it, strove to conceal its weakness



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by speaking low, as if he wished to keep it from going abroad into the world. But in such a day as this it must be told—your lordships must be told what were the difficulties which the King's ministers had to encounter in the course of the last campaign. Your lordships must be told how many sleepless nights I have spent—how many weary hours of watching and distress. What have been my anxieties for New York! What have I suffered from the apprehension of an attack on that garrison, which, if attacked, must have fallen! What have I suffered from the apprehension of an attack on Nova Scotia or Newfoundland! The folly, or the want of enterprize of our enemies, alone protected those places; for, had they gone there instead of Hudson's Bay, they must have fallen. What have I suffered for the West Indies, where, with all our superiority of navy, we were not able to undertake one active or offensive measure for want of troops; and where, if an attack had been made where it was meditated,—we were liable to lose our most valuable possessions! How many sleepless nights have I not suffered for our possessions in the East Indies, where our distresses were undescribable! How many sleepless nights did I not suffer on account of our campaign in Europe, where, with all our boasted navy, we had only one fleet with which to accomplish various objects! That navy, the noble viscount was fair to own, was well conducted. Its detachment to the North Seas, to intimidate the Dutch, was a happy and a seasonable stroke; but the salvation of the Baltic fleet was not at all to be ascribed to ability; accident contributed to that event; accident contributed to more than one article of our naval triumphs. How many of our ships were unclean? The noble viscount has told us the case of the fleet with which he was sent to the relief of Gibraltar. He could hardly venture to swim home in the Victory. How many of our ships were in fact undermanned? Did the House know this? Did they know that our naval stores were exhausted, that our cordage was rotten, that our magazines were in a very low condition, and that we had no prospect of our navy being much better in the next campaign than it was in the present. [The noble earl, during all these queries, directed his eyes to lord Keppel, until the noble admiral called him to order.] Do the House know all this? The noble lord is offended at my directing myself to him. I have no idea of imputing blame to the noble viscount. His abilities are unquestioned; but when the greatness of the navy is made not only a boast, but an argument, it is fair to examine the fact. Are not these things so? and are not these things to be taken into the account, before ministers are condemned for giving peace to the country? Let the man who will answer me these questions fairly, tell me how, in such circumstances, he would make a peace, before he lets his tongue loose against those treaties, the ratification of which has caused so many anxious days and sleepless nights. It is easy for any bungler to pull down the fairest fabric, but is that a reason, my lords, he should censure the skill of the architect who reared it? But I fear I trespass, my lords, on your patience too long. The subject was near my heart, and you will pardon me, if I have been earnest in laying before your lordships our embarrassments, our difficulties, our views, and our reasons for what we have done. I submit them to you with confidence, and rely on the nobleness of your natures, that in judging of men who have hazarded so much for their country, you will not be guided by prejudice, nor influenced by party.

Viscount *Keppel* said, that he had not been invited to be present when the opinions of admiral Edwards, and the other officers, had been asked on the Newfoundland fishery, otherwise he might have given his opinion of what had been said. In respect to what the noble lord had thrown out with regard to the state of the navy, and the embarrassments and accidents of the last campaign, he was not solicitous of the noble earl's praise, and he was not much hurt at his insinuation: he would abide by what he had said—the navy of England was not only in a flourishing, but a vigorous state; and we had the happiest prospects before us for the next campaign.

The Duke of *Richmond* said the peace was no peace of his; he could find a hundred faults with it; and as to Gibraltar, he did not well understand the noble lord when he threw out, that no one had ever said, that it might not be given up in certain cases. His grace thought, that their lordships ought necessarily to have the treaty with the Dutch laid before them, before they came to any determination on the preliminary Articles; and he begged to know, whether the rumour was true,

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that the important bay and settlement of Trincomalé was to be given up.

The Earl of *Shelburne* disclaimed any disrespect toward lord Keppel, and with respect to Gibraltar, he again insisted upon it, that it had been said, that it might be given up in such and such instances. His lordship said it was no secret, what the treaty would be with Holland. The Cape of Good Hope was to be ceded to the Dutch, and Trincomalé was also to be given up.

Lord *Loughborough* said, that he had waited to hear the opinions of those lords, who, from their situation, must have the fullest information of all circumstances, under which the Articles were concluded. Four lords in high offices, who had the best means of knowing whether the terms were adequate to the relative situation of the country, had delivered their opinions in the debate. Two of them, that the terms were unfit for the country to accept, and that no necessity urged us to admit them. One of these lords had given the strongest testimony of his opinion, by resigning an employment that he quitted with as much honour as he had held it, because he would not advise his royal master to accept peace on such terms. To ascertain the relative abilities of the powers at war to continue the contest, might often be a very difficult matter. In the present case, he required but one point to be admitted, that the condition of the country was not so desperate as to oblige us to except of any conditions our enemies chose to offer; in short, that this was a treaty, not a capitulation, the Articles of which were under deliberation. Neither of the lords who advised the peace had argued in favour of it upon that ground, but had considered the preliminaries as articles of a treaty; and yet they had both omitted to point out upon what line that treaty was conducted.

When two powers at war have opened to each other their desire of making peace, it is obvious that some point must be fixed as the basis of the negociation, either that of the actual possession of the time of the treaty, or of the state of their possessions at the breaking out of the war, or at some other given period. The first, the *uti possidetis*, notwithstanding all our losses, was not so favourable to our enemies, that they could have accepted it. If there was any line drawn for this treaty, it could only be what the ministers had stated, that France insisted as a basis of the negociation, that she should be secured against those insults to which she had submitted in former treaties. How, then, was this idea carried into execution by the present Articles? In Europe, France was to be relieved not only from the restraint of a commissary established at Dunkirk, (which might perhaps be a circumstance of unnecessary mortification) but from the engagement of the treaty of Utrecht, purchased by this country at an immense expence, not to fortify or restore a port made to controul England in the very channel, and attack her in the mouth of the Thames. France, to be out of insult there, required to be put in a condition at any time to insult us in the centre of our trade. The noble lord at the head of the Treasury had, indeed, treated this as a very immaterial article, and affected to consider the anxiety of former ministers on the subject of Dunkirk, as an idle apprehension, or an artifice to flatter and deceive the people; it would require, however, a greater experience of that noble lord's abilities, to be convinced that he knew better the true interests of the country, than all the successive administrations for above a century, and that the wisest and the firmest men of their age, were either possessed with a weak and foolish apprehension, when they thought the restoration of the port of Dunkirk dangerous to the safety of England, or were mean enough to attach a false value to that object merely to impose upon a people who must have been very willing to be so long deceived.

The next point in which France was to be put beyond insult, was, in regard to the fishery: not only the restraint of fortifying St. Pierre and Miquelon is removed, but the extent of the fishery is enlarged, and the Articles are drawn in such a manner as to leave France a larger claim than the words directly avow. A noble viscount (Stormont) had well explained the pretensions of the French to an exclusive right of fishery within the limits described by the treaty of Utrecht. That claim had been urged in M. Silhouette's Memorial, presented before the last war, but had been very fully refuted on the part of England, and was abandoned at the treaty of Paris. In the present Articles, it is revived: what else can be meant by the recital of the third Article of quarrels that had subsisted? The only quarrel that ever subsisted was, whether the right of France was exclusive or concurrent. In the fourth Article the French are to enjoy

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this right, not as they have enjoyed, but as they have a right to enjoy it, by the treaty of Utrecht. The noble lord who spoke last, had taken no notice of this point, and had only asserted, that the new limits were more favourable to England than to France: in extent, they certainly were less favourable, the proposal to vary the limits evidently came on the part of France. It was not easy to suppose that she had chosen for herself the worst stations; but admitting all this, why did the noble lord avoid the plain question, whether he understood the French fishery to be exclusive or concurrent. If exclusive, it was a new and important acquisition, disguised, too, from the public eye by the manner of granting it. If concurrent, the words of the treaty were so loose and ambiguous, that they left open an immediate cause of quarrel between the two countries.

The fishery is diminished, but the fur trade is entirely renounced, for the country that produces that article is given away. The noble lord who spoke last, defends this by arguments which conclude for an entire cession of Canada, and point out that this must be intended, for what else is the meaning of stating the account of the profit and loss of that province. The charge, however, was in a great degree to be placed to the account of the war, and the profit would have been very great upon a peace, had we not given away the most valuable part of the province. The noble lord attempts also to justify this cession by a long declamation against monopolies, and an encomium upon open and free trade. How the censure of monopolies has the least application to this question, it was impossible to conceive; we had a monopoly of the fur in the same manner that every country has a monopoly of its own produce. Iron, lead, coal, wine, wood, the natural produce of any countries, are sold by those who possess them as owners, not as monopolists. The fur trade was ours, because we held the country that supplied it. How is the trade laid open by transferring that country to the Americans? No more than the coal trade would be opened by yielding up our mines to another power. The merchants, too, are accused of being anxious for their own interests, and not understanding the benefit of sharing, or rather transferring their profits to others, and a new æra of trade on new principles is announced. We know to what height the pursuits of old and plain maxims of trade have raised this country. But it is not easy to comprehend the benefits that will result from this new system so magnificently described.' In the East Indies, according to the Articles, it is difficult to conceive when or how the war is to cease.

There, too, the principle of securing France against the insults imposed by former treaties, is carried to a strange extent. France having lost every settlement on the continent of Asia, is not only fully restored, but to the fortifications of Pondicherry, a large territory is to be added, a free and unrestrained, and what is worse, an undefined trade is granted, and liberty given in effect to fortify Chandernagore. To fortify; for after all that has passed on that subject, it would be folly to imagine, that France means any thing less than a fortification, by the liberty given to surround that place with a ditch. The French had made that ditch during the last peace; the officer sent to inspect it, general Campbell, now governor of Jamaica, demonstrated, that it was, in effect, a fortification; the earth was thrown up on the side of the place, banked and formed with angles, which could not be the work of a mere ditch. On his report, the servants of the India Company, instead of presenting a complaint, used their power, and destroyed the work. The liberty given to restore the ditch, after this recent contest upon it, must mean to restore it to its former state, and the answer made to this objection, that the India Company will not be bound to allow more than a mere ditch, only shews, that this Article furnishes an immediate occasion of quarrel; but another part of the Article is connected with this; the 'free and independent trade, such as the French East India Company enjoyed,' without specifying at what period, not only raises a contest about duties, but taken in its full extent, makes Chandernagore a place of arms. The French East India Company, prior to our acquisitions in Bengal, were encouraged to carry arms into that country; during the peace, the vessels have been visited, and no arms permitted to be brought in. If that restraint is given up, Chandernagore will soon be a most formidable post in the centre of our government; if it is insisted on, will the French submit to it? The 16th Article, in terms, continues the war, for it introduces the French into every negociation with the country powers; it gives them allies in every part of India, as soon as the advices can reach that country over



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land; it raises them, at once, into a rivalship with the English, for the protection of the country powers, who by entering into measures with them, have nothing to apprehend, and every thing to gain, and it makes hostilities cease four months after a notification, which France may give, if it is expedient, and may with-hold, if it is not.

Could France, it is said, omit stipulating for the princes she may have engaged in the war? It would have been unworthy the honour of a great nation. Would to God, that reflection had had more weight in another part of this treaty where the honour of this nation was most deeply pledged! France could not have omitted her allies; but she might have named them; it regards, it is said, Hyder Aly, with whom orders were sent to make a treaty. Why not then refer to the orders, name Hyder Ally, name any other princeof Hindostan, describe the extent of the engagement, but not leave an opportunity to convert every proposal to any power into an engagement of alliance. The addition of territory to Pondicherry and Karical is treated as a trifling matter. It was not thought so in the negociations for the treaty of Paris. Great art was employed, and pressing solicitations to carry that point; but the ministers then were well informed of the value M. Du Pleix put upon that territory, and that he held it to be a firm foundation for the power of France, on the coast of Coromandel, and for an opposition to the English influence.

The noble lord, at the head of the Treasury, says, that the engagement to procure that territory, is similar to the engagement in the provisional Articles of the Congress to recommend the loyalists. Happy would it have been for those unfortunate and deserving subjects, if the same spirit that dictated this Article, had, on our part, been exerted in their favour. But shall we tell France, that to procure is only to recommend, and at the same time expect, that the peace would be of long duration? A hope of retaining Trincomalé, would have been some consolation for the concessions we have made, and some security to us, in case of the war continuing; but that, too, is gone by the noble lord's declaration; and though he tells us, the French are to evacuate the Cape, he has not said at what time that evacuation is to take place. If it is not to precede the cession we make, France may from thence recruit her forces, and establish a post equally pernicious to us, and beneficial to her. That noble lord has also supported these Articles, by the authority of the East India directors, who he says, were consulted and approved; at the same time, that he has drawn such a picture of their mismanagement and ignorance of the interest of the Company, as does not leave much authority to such an approbation. If any authority could, after this, remain to their opinion, it would be fit to know how much was communicated and explained to them. There are directors, who say all the Articles were not shewn, and that to those that were, they stated objections, which they were told would be removed, but which still remain.

A gloomy detail of advices from India, stating the want of money and supplies, the bad condition of the government there, and the little hopes of a peace with the Mahrattas, has also been stated as an apology for the terms given to France; but the noble lord must know, that he has only quoted the articles of charge sent home by the opponents of Mr. Hastings, and that the same packet brings counter advices from that gentleman, which state the very reverse. Which is the true account? It is not easy to decide, but it seems strange to adopt the bad state of our affairs in India, as an apology for setting up the power of France in that country. The arguments would have been more convincing, if it could have been said, that our revenues were so ample, our alliances so powerful, and our force so great, and so well conducted, that there was no occasion to fear the French interest, and we might safely admit them to their former freedom of trade. At one time, it is urged, that the concessions are inconsiderable, and cannot hurt our interests; at another, our weakness, it is said, compelled us to admit them.

When we pass from India to the coast of Africa, there France, to be out of the insult, has brought our trade entirely under her power, by insisting on both Senegal and Goree. If the ministers had referred to the negociations for the last peace, they would have seen that France explicitly states, that without the one of these places the trade in gum cannot subsist. Neither of these establishments have any intrinsic value; they are an expence to the country possessed of them; but one is necessary to secure a participation of the trade, and on this principle, stated by France, and admitted by us, they were then divided. Now they are united, our trade is held at

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the pleasure of France. The noble lord considers the trade as a small object, by stating the value of the gum imported; but the want of it destroys the two great branches of manufacture, that of the printed linens, and that of silks and gauzes, by which many thousands are supported. If a war should break out, we must be deprived of it entirely, and in peace, we shall buy it at the French price. The conclusion of all the terms with France is, that at a time when we had the command of the West Indies, and the sole possession of the East, when we shared the African coast, and had excluded her from the fishery, when the pressure of the American war was relieved, and we had nothing to fear in Europe; we have restored her to all her power, and given a controul and check upon us in every quarter of the globe.

The noble lord, now at the head of the Admiralty, stated as the great benefit of this peace, that it gave time to prepare for war. This seemed to be the chief advantage he had discovered in it; even in this, the treaty fails, for with such causes of quarrel as may arise concerning the fishery, and in the East Indies, who will undertake to say, when or how long we shall enjoy a respite from war? Upon the treaty with Spain, what pretence could be set up for the cession of East Florida? Was the condition of that power so splendid, that it was necessary to bribe her to grant us peace by an addition of that important settlement to all the acquisitions she is allowed to retain? Of all the parts of this treaty the provisional Articles are the most unworthy of a nation once respectable: that it might be necessary to admit the independence of America, he allowed, for without that necessity admitted, those who made these Articles could have no defence, their opinion having been often declared against it. America then being independent in all her thirteen states, and considered merely as a power at war with Great Britain, what was the known situation of each at the time of the treaty? Britain possessed the strongest posts on the coast of America, all the back country, and the river St. Laurence; the fishery was entirely hers; a great party in the country uneasy at the continuance of the war, and dissatisfied with a new government; many zealously attached to our interests.

All the posts are given up; an immense extent of territory, the fur trade, the fishery, and, what is more than all the losses of all the treaties, the faith and honour of the nation pledged to the thousands who have been deserted and betrayed. This treaty stands unparalleled in the history of mankind. It sets out with a proposition that never yet found a place in any treaty, and that subverts the very purpose and end of every treaty. The preamble states in plain terms, that advantage and convenience are the only foundation of peace between states; the principles of justice, the laws of nations, the faith of mutual compacts are then of no regard amongst states, when interest and convenience are in view. The sequel of this introduction professes to arrange matters upon a principle of reciprocal, not partial advantage; and when we proceed in the Articles, this reciprocity is to take all to America, and neither give nor secure any thing to Britain. Under the colour of ascertaining a boundary, a country larger than Europe, settled in many parts of it, full of nations who are under the alliance and protection of the crown, is transferred and done away without even the merit or the grace of making so immense a cession. The coasts likewise are extended to twice their ancient limits, and with so little attention, that part of the land and harbours of Nova Scotia is within the line of the American coast. The fishery on the shores retained by Britain, is in the next Article not ceded, but recognized as a right inherent in the Americans, which though no longer British subjects, they are to continue to enjoy unmolested, no right on the other hand being reserved to British subjects to approach their shores, for the purpose of fishing, in this reciprocal treaty.—Even in the Article for the cessation of hostilities, which in every treaty that ever yet was made is reciprocal, the period on our part commences immediately; on the part of the Americans, confiscation, proscription, imprisonment, and captures at sea, are not determined till after the ratification in America and the definitive treaty.—The Articles respecting debts and private rights are conceived in terms totally different from other treaties; why the plain and usual language was dropped, and the Articles penned in terms totally unintelligible, it is difficult to conceive, unless it was, that the engagement on one side should have no effect, which will not seem an unreasonable suspicion to any one who considers the frame of the fifth Article.

That Article has excited a general and just indignation. For what purpose could

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it have been inserted? Those whom it pretends to favour, receive no benefit from it; for what is the purport of a recommendation; but to those the most entitled to our regard, the brave and unhappy men who have not only given up their property, but exposed their lives in our cause, the distinction admitted to their prejudice is cruel and injurious indeed. What is the defence set up for this Article? That the commissioners or even Congress had no power to undertake farther; how true let the other Articles testify; but allow it true, why treat without fuller powers granted? Admit the necessity of treating with persons not fully empowered. Why not then omit an Article so useless and yet so reproachful? But were there no means left to secure a better Article for the loyalists? Can it be forgot, that, besides all other advantages yielded by the treaty, our troops maintain the possession of York Island, Staten Island, Long Island, the inhabitants are armed with us in defence of their own estates; these estates by recent acts have been confiscated; that when we evacuate these places, we shall deliver up the houses, goods, even the persons of our friends. If this were the capitulation of a besieged town, it would be scandalous to surrender upon such terms. At the lowest ebb of distress, reduced, and almost undone, the necessity can hardly be conceived that should oblige a state to subscribe to an article evidently inserted for no other purpose than to blast for ever the hitherto-untainted honour of the nation. Francis the first, vanquished and captive, wrote to his subjects, "every thing is lost except honour," and the spirit of that sentiment preserved his kingdom and restored his fortune. If we had implored in this instance the aid of France and Spain, the generosity of two great and respectable states would have interposed in favour of the men we have deserted. The fidelity of the loyalists to their King and country, however obnoxious to the hostile pursuit of America, while the war lasted, could never have been felt by any honest mind as a crime that excluded them from any conditions of peace.

In every treaty that has terminated a civil war, the articles of mutual forgiveness and restoration have ever been the easiest to settle. The Catalonians, at the peace of Utrecht, though rebels to king Philip, were admitted to all the rights of the most favoured subjects, the Castilians; and even an abridgment of some provincial privileges which they claimed, was imputed as an unjust desertion of them by the powers which had availed themselves of their insurrection. No war was ever more marked by personal animosity and party hatred than that carried on in Ireland after the abdication of James the 2nd, yet in the Articles of Limerick, mere articles for the surrender of a town, there was no difficulty of admitting the most favourable terms for the Catholics engaged against king William. In ancient or in modern history there cannot be found an instance of so shameful a desertion of men who had sacrificed all to their duty, and to their reliance upon our faith. There is even an horrible refinement in the cruelty of the Articles; they are told that one year is allowed them to solicit from the lenity of their persecutors that mercy, which their friends neglected to secure; to beg their bread of those by whom they have been stripped of their all; to kiss the hands that have been dipt in the blood of their parents, and to obtain, if they can, leave to repurchase what they have no money to pay for. No wonder that in a treaty where the principles of humanity are so little regarded, a decent respect for religion should have no place. In the territories ceded to Spain and France, the subjects who may remain, are not secured in the exercise of their religion. France shewed more attention to her subjects in the last treaty, nor could a toleration of the Protestant religion have been refused in the countries ceded by us, had it ever been proposed. Can the reverend prelates give the sanction of their approbation to such neglect, or can any lords approve by a public testimony, articles framed upon such principles?

He then said it was too late, and he felt himself too much exhausted to enter into any discussion of the question started upon the extent of the prerogative to cede the dominions of the crown. He thought it necessary, however, as it had been maintained by lord Shelburne, just to declare, that having considered the question, he held a very different opinion, and knew it could be proved by the records of parliament that no prerogative existed in the crown to cede without the authority of parliament any part of the dominions of the crown in the possession of subjects under the allegiance and at the peace of the King.

The *Lord Chancellor* made a long and most able answer to the learned lord who

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had just sat down. He could claim to himself, he said, no part of the attention of the House on the grounds of eloquence and oratory. These belonged peculiarly to the learned lord who had so long and so ably endeavoured to fascinate their lordships, and whose skill and address in managing the passions of his auditors were not to be equalled, and, by a man of plain meaning and sober understanding, whose only wish was to discriminate between truth and fiction, such as he was, not to be coveted. All the gay chimeras of a fertile imagination had been adduced; and he had no objection to see noble lords indulge themselves in the display of their talents for the inventive; but he did object to their pressing their chimeras into a solemn debate, and substituting them for argument and reason. The learned lord would forgive him for treating what he had said lightly, as he professed, upon his honour, that his plain and narrow conception did not reach his meaning. He had thought proper to alledge that the prerogative of the crown did not reach so far, as to warrant the alienation of territories, in the making of peace, which were under the allegiance and at the peace of the king. If this doctrine was true, he should consider himself as strangely ignorant of the constitution of his country; for till the present day of novelty and miracle, he had never heard that such a doctrine existed. He fancied, however, that the learned lord had thrown down the gauntlet on this subject, more from knight errantry than patriotism, and that he was more inclined to shew the House what powers of declamation he possessed in the support of hypothetical propositions, than anxious to define, or to confine a power wisely vested in the executive branch of our government unquestioned, as to its utility, and much less as to its existence. He was the more convinced of this, when he heard the sources from which the learned lord chose to draw his testimonies and arguments. One would have thought that when a great, experienced, and justly eminent lawyer hazarded an opinion respecting a most important point of the constitution of this country, that he would think it necessary to produce proofs from the records and authorities of the state, or that at least he would shew that the common opinion and consent of men went with him; but, instead of this, the learned lord resorted to the lucubrations and fancies of foreign writers, and gravely referred their lordships to Swiss authors for an explanation of the prerogative of the British crown. He, for his own part, rejected all foreign books on the point before them. However full of ingenuity or speculation Mr. Vattel and Mr. Puffendorf might be on the law of nations, and other points, which neither were, nor could be fixed by any solid and permanent rule, he denied their authority—he exploded their evidence, when they were brought to explain to him what was, and what was not the prerogative of the British crown. The cession of the Floridas, if at all a questionable matter, was of primary importance, and ought not to be hurried over, in half words and mere hints, at the end of a prolix and declamatory speech: speaking from his own judgment, the judgments of able men, the records of parliament, the annals of the country, he did not think the cession of the Floridas at all a questionable matter: if it was so, it was what he was ignorant of; and if the learned lord would enter into the subject and discuss it at large, he would follow him; and if he could not establish a doctrine clearly contrary to that extraordinary idea now sported by the learned lord, he would confess his ignorance stage by stage, and point by point, as the noble lord should establish the proof, of which he had ventured to be so sanguine. He was prepared to meet him, and to combat the question, not, however, with the weapons which the learned lord had used on that night, of vague declamation, and oratorical flourishes—these he contentedly left with all the plaudits which they were calculated and, perhaps, intended to gain—but with undecorated sense, and simple argument. It was, in his opinion, more useful to stick to that rule of reasoning and deduction, by which the mind was taught that two and two make four, than to suffer their understandings to be warped, and their eyes to be blinded by the fashionable logic which delighted in words, and which strove rather to confound what was plain than to unravel what was intricate.

But the question immediately before the House was, whether their lordships should agree to approach the throne with an address of thanks, for the peace which had been concluded, fairly, honestly, and simply, approving of that peace, or whether they should approach the throne with an address of thanks for the peace, and at the same time disapprove of, censure, and condemn that peace? This was pre-

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cisely the question; and he begged to ask their lordships, roundly and fairly, whether the bare statement of the question did not manifest its absurdity? What! to thank his Majesty for a thing of which they disapproved—to thank his Majesty for a peace, which, at the same time, they declared to be "inadequate to their just expectations, inconsistent with the relative situation of the belligerent powers, and derogatory to the honour and dignity of the empire!" Was this consistent? Was it common sense? Was it countenanced by usage in other instances? [Two voices from the other side said, it was.] The Chancellor then said he would pause till one or two of the instances should be brought before them. He desired to know, when this proposition was divested of all its dress and ornament, if it did not appear to them very inconsistent with the dignity of that House, who were to present the address, and of the crown, who was to receive it. But, he said, it was thus artfully worded, for reasons which it was not difficult to discover; but he thought it unworthy of their lordships to do that by a side wind, which if they thought fit to do, it became the nobleness of their natures to do openly. If they thought the King's ministers deserved censure for the peace which they had concluded, why not inflict their censure in that way which alone could make that censure a punishment, in a fair, manly, and direct manner, such as became the high character of that House? He reprobated all side-wind, indirect, crooked attacks, and said, the only fair and rational mode was to vote the address, and at any subsequent period move what they would on ministers—a censure! an impeachment! He then proceeded in a very high tone of dignity indeed, and exclaiming against the passion and declamation of the other side, said, "Non tali auxilio"—that such a glow and glitter of words were not required; and though some men of shewy parts, whose education and profession so led them, were apt to overvalue such accomplishments, and on these occasions give into their practice; yet the cold, unsophisticated, argumentative manner was alone that which became every one of their lordships in a senatorial capacity, either to utter or to hear.

The learned lord then came to enquire whether the peace, which had been concluded, was, under all the circumstances of our situation, such as their lordships ought in fairness to censure? In doing this, he enumerated the various particulars which had been adduced in the debate, and contended, that the Articles were not subject to the severe objections which had been made against them.

He went over and defended the several Articles of the treaty, and then asked, what was meant by the amendment moved to the Address? From what motives it arose he could not say, but this he would aver, the tendency could be nothing but mischief. To unhinge all confidence in the peace—to sound the alarm—to excite the spirit of war! and yet was there any man in England, was there any individual in this House, who dared to avow his wish to be for war? If there was such a one, let him come forth! As to the loyalists, they had a specific provision in the treaty—his own conscious honour would not let him doubt the good faith of others—his good wishes to the loyalists would not let him indiscreetly doubt the dispositions of Congress. It was stipulated that all these unhappy (some of them deserving) men, should be provided for; in his conscience he expected they would be provided for; but if not, then, and not till then, parliament could take cognizance of the case, and impart to each suffering individual that relief, which reason, perhaps policy, certainly virtue and religion, required. The learned lord who spoke last, towards the conclusion of his speech, had turned, and not at all ironically, to my lords the bishops. On this he made this short observation, that it was usual with all men who were eloquent by profession, on each important subject to apostrophize the bishops, and try to toss into their own scale that bench, by way of make-weight. But at present he shewed it to be nothing to the purpose.

He could not forget the anxiety nor the language of noble lords, who, but a very few months ago, were the most eager and clamorous for peace. When those persons apprehended that the difficult task of making peace would fall upon themselves, then our condition was painted in all, and, perhaps, in more than its real gloom; and their lordships were depressed and tortured with the accounts which were given of our navy, and our resources. Then any peace, it was declared, would be a good one. A peace for a year even, nay, for a month, for a day was coveted. Any thing that would just give us breathing time, and serve to break the dangerous confederacy



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against us, would be a prosperous event. But when the grievous task was shifted to others, how did the language differ! The navy grew as it were by magic. The resources of the state became immense. The condition of the country flourishing; and the ministry were to be tried by the strictest and most rigid law. The learned lord dwelt on this glaring inconsistency for some time, and concluded with a high commendation of the Address, and the most direct censure of the proposed amendment.

The Earl of *Carlisle* thought it necessary to shew that there was no ground for the imputed absurdity in the motion as amended. They were to thank his Majesty—for what? For the communication of the Preliminary Articles of Peace: they were to hold that peace sacred because concluded: but they were, with the manliness which became them, to declare that it was inconsistent with their expectations, and derogatory to the honour and dignity of the empire. In all this he could not perceive any thing absurd.

Earl *Gower* concluded the debate, with declaring his opinion shortly, that the peace did not come up to his expectations. He thought we were entitled, from our condition, to better terms; but he did not think himself at liberty to reprobate it in the severe terms of the amendment. He was therefore in a strange predicament, he could neither vote for the Address nor against it, and should therefore withdraw.

At half past four in the morning, the House divided on the question, that the words proposed to be omitted stand part of the Address. Contents, 69; proxies, 3. Not-contents, 55: proxies, 4. Majority for the Address, 13. There were in the House at one time of the day 145 peers—a greater number than has been known on any question during the present reign.

*The King's Answer to the Lords' Address on the Preliminary Articles of Peace.*] To the Address of the Lords his Majesty returned this Answer:

"My lords;

"I receive with pleasure this dutiful Address, and have great satisfaction in observing that the preliminary and provisional Articles appear to you, as they do to me, to afford a reasonable prospect of such a peace as will relieve my people from any burthens beyond what the expences of the war have rendered unavoidable, and, if properly improved, will insure the national prosperity. These are always objects next my heart, and every measure which has the tendency to promote them, cannot but be acceptable to me. It is my firm purpose to execute every Article of the Treaties on my part, with that good faith which has ever distinguished the conduct of this nation.—I concur with you most entirely on the just expectation you entertain of the like attention in North America, to the stipulations in favour of the unfortunate sufferers by the war, which are founded in humanity and justice, and now recognized by public engagement. I do not entertain a doubt that this and every other Article in the Treaties depending, will be finally settled and performed by the other powers with that spirit of liberality and justice which becomes them."

*Debate in the Commons on the Preliminary Articles of Peace.*] Feb. 17. The order of the day being called for, Mr. Secretary Townshend moved, that the Preliminary Articles of Peace with France, the Preliminary Articles of Peace with Spain, and the Provisional Articles with America, be read. This being done,

Mr. *Thomas Pitt* rose to move an Address. He began with saying that he felt mixed sentiments of regret and satisfaction; that whilst he congratulated the House and the country upon seeing the progression towards certain ruin stopped, and a period put to such a complication of evils as had scarce ever combined together, he could not without pain reflect that in the course of so few years, all our boasted empire upon the continent of North America was reduced to little more than the acknowledged possession of France at the outset of the last war. That a peace was always unpopular; if the war was prosperous, the hopes were disappointed; if disastrous, the concessions were humiliating. That if he had any thing to build upon popularity, or if prudence was his character, he should content himself with a silent vote upon the occasion, rather than draw upon himself clamour from without doors, and the attack of party spirit within. That, however, popular prejudice gave way to time, and truth sooner or later carried conviction with it. That as to ministers and the candidates for ministry, he looked upon them as dealers in the same merchandize; that they discredited each others wares to recommend their own, and to draw customers

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to them. That thinking men admired their ingenuity, but reduced their arguments to their just value. That the question before the House was simply this, whether such a peace was better than such a war?

He then proceeded to show the necessity of peace from the state of the country. He proved by papers upon the table, that the interest of the public debt was increased from less than 4½ millions at the beginning of lord North's war, to near 9½ at present. That this six years war had cost us therefore considerably more than all the successes of the duke of Marlborough and lord Chatham, and all the wars put together from the time of the Revolution. That it had entailed a permanent burthen upon the land of England in her reduced state, of 10*s.* in the pound additional land-tax; that our expence in peace would be from 14 to 15 millions per annum, with an income of 11 million: that he remembered the close of the *last* war, and how necessary peace was then thought by some of the wisest authorities. What would they now say were they to give their opinions upon the present question? The price now paid by us for our peace to France and Spain, was the sacrifice of one small island in the West Indies, the two Floridas, the island of Minorca dismantled, therefore useless to us, and some immaterial advantages in their fishery and in their settlements in the East Indies. Price paid by France at the last peace, Dominica, Grenada, the Grenadines, Tobago, St. Vincents, all her possessions in Canada and North America, humiliating restraints upon her fishery; in Europe, Minorca; in Africa, Senegal; in India she consented that her settlements in Bengal should be defenceless, and contented herself with the trade after abandoning all her projects of dominion.

That as to America, their independence was no concession, since we could not deprive them of it. That the extent of their boundary was no disadvantage to us, but was well chosen to prevent all future contests by lakes and rivers, common to both countries; that Canada left us more territory than he hoped would ever be settled from this country. That the interest of the sincere loyalists were as dear to him as to any man, but that he could never think it would have been promoted by carrying on that unfortunate war which parliament had in fact suspended before the beginning of the treaty. That it was impossible after the part Congress was pledged to take in it, to conceive that their recommendation would not have its proper influence on the different legislatures; that he did not himself see what more could have been done on their behalf, except by renewing the war for their sakes, and increasing our and their calamities. That those who had constantly been holding out to us the prosperities of this country, her inexhaustible resources, the subjugation of America, and all the golden dreams with which we were so long deluded, would, he doubted not, condemn this peace as ignominious, or any other, by which we did not give the law to the belligerent powers; that they talked and acted like foolish gamesters, whose passions bound them more strongly to persevere the more their losses galled them: —that wise men would think we could not too soon rise up from a losing game, and that all he should answer to such arguments was, to rejoice that such a spirit of infatuation did no longer guide our councils. That if others who felt as he did the necessity of peace, and had knocked at every door to sue for it, agreeing with him on the premises rejected the conclusion, it would remain for them to prove that there was some difference so essential in our favour between the present terms and what they would have adopted, as to compensate the expence of another year's war; in which case he did not doubt the king of France would yield instantly to those conditions, upon paying the sixteen or twenty millions, such a delay would incur to Great Britain. He then adverted to the necessity of changing our plan of commercial regulations, and concluded with expressing his hearty thanks to the ministers for having brought us out of our difficulties under every possible discouragement, which nothing but their courage and firmness could have got the better of. That he might possibly differ with them in their future measures, but he should always feel pain in so doing, from the recollection of the very important service they now did their country.—He then moved, "That an humble Address be presented to his Majesty, to return his Majesty our most humble Thanks for having been graciously pleased to lay before us, the Articles of the different Treaties which his Majesty has concluded, and to assure his Majesty that we have considered them with the most serious attention. To express the great satisfaction and gratitude

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with which we perceive that his Majesty, in the exercise of the powers which were intrusted to him, has concluded provisional Articles with the states of North America on such principles as must, we trust, lay the foundation of perfect reconciliation and friendship with that country. That, impressed with these sentiments, we cannot forbear particularly to lay before his Majesty, our earnest wish and just expectation that the several states of North America, will, in the amplest and most satisfactory manner, carry into execution those measures which the Congress is so solemnly bound by the treaty to recommend, in favour of such persons as have suffered for the part they have taken in the war, a circumstance to which we anxiously look as tending to cement that good-will and affection which we trust will uniformly mark the future intercourse between us. And to assure his Majesty that we are sensible of his wise and paternal care for the welfare and happiness of his subjects, in relieving them from a long and burthensome war, and restoring the blessings and advantages of peace, by the preliminary Articles agreed upon with the courts of France and Spain.

"To assure his Majesty, that we indulge the most sanguine hopes, that his subjects of Great Britain and Ireland will successfully apply their attention to cultivate and improve by every possible means their domestic resources. That with these views we shall apply ourselves to a revision of our commercial laws on the most liberal principles, and in a manner adapted to the present situation of affairs, for the purpose of extending our trade and navigation on the surest grounds, and diligently providing for the maintenance of our naval power, which can alone insure the prosperity of these kingdoms."

Mr. *Wilberforce* seconded the motion. Peace was essential, he said, to the country at this time. The immense sums we had already lavished in a mad, unfortunate, and a calamitous war, had nearly exhausted our resources; and, without resources, it was impossible to proceed. When we began the war, ministers held out to that House ideas which experience had proved to be impracticable, and which had cost us so dear, that even were we frantic enough to encourage a farther pursuit of them, we were not able to do it. As a proof of this assertion, he referred the House to the melancholy detail of the condition of our finances just read by his hon. friend. He next stated the number of our enemies, and, after dwelling upon the superior power of the confederacy, reminded the House that we were without an ally. He advised gentlemen to distinguish between force, and the resources to support it: we might have a numerous navy, and a large body of seamen, but what use could we make of either, without money to maintain them? force was the body and materials of the machine, money was the main spring that set it in motion. He advised gentlemen, who were inclined to favour a prosecution of the war, to look at the last campaign, when we were acknowledged to be superior: did we not even last campaign act merely on the defensive? What hopes, then, could be formed from pursuing the war any longer? the risk would have been great in every point of view, the expence large at a certainty, and the probable gain inconsiderable at best. If we were asked, what ought to be the principle on which a peace should be founded? it should be with a view to recover our resources, and to restore our commerce; in order to effect which purposes, the terms should be likely to give it permanency; the best way of effecting this, he thought, was to look if there were not in our possession things which hurt the pride of the enemy—marks of galling superiority. If there were, it would surely be wise to concede them for something valuable in return. This principle had clearly been adverted to in the present peace. With regard to the treaty with America, gentlemen would recollect, that that peace was absolutely ordered by parliament; all, therefore, that had been done under their direction was not to be altered by ministers, nor to be imputed to them. When he considered the case of the loyalists, he confessed he there felt himself conquered; there he saw his country humiliated; he saw her at the feet of America! still he was induced to believe, that Congress would religiously comply with the Article, and that the loyalists would obtain redress from America. Should they not, this country was bound to afford it them. They must be compensated; ministers, he was persuaded, meant to keep the faith of the nation with them, and he verily believed had obtained the best terms they possibly could for them. An idea had at one time prevailed of a separate peace with America. That, however, could not be reduced to practice. America was in the

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hands of France. Had she had the power of treating singly, it would be inconsistent to say, we were not willing to give her enough; all that had been urged about the leaving the 5th Article as it stood, proved it incontestibly. With regard to the loss of part of our power in the East Indies, the African trade, the Newfoundland fishery, and an island in the West Indies, he felt the loss of these matters as much as any man; but considering the humiliating terms we held out to France at the end of the last war, he did not see how better terms could be obtained by us now, and considering what parliament had ordered respecting America, attention to the revenue demanded, that peace should, if possible, be immediately made with France. If gentlemen would look at the last peace, they would see that some use had been made of the success of the summer, and disadvantageous as the present peace might be stated to be, sufficient was still left to this country, to enable us to become a great and a flourishing people. He further added, that if the present peace did not receive the sanction of that House, no minister would in future dare to make such a peace as the necessity of the country might require; this was a serious consideration, and well worth attention.

Lord *John Cavendish* agreed with the greatest part of what had fallen from the hon. mover and seconder, but differed in some particulars materially. No man loved peace more ardently than he did. He was glad, therefore, to accede to it, on almost any terms. But the arguments used by the former gentleman in support of the present peace would equally apply to the worst peace that could possibly be made, and were at once a bar to all reasoning upon the merits of any peace. The hon. gentleman had stated a question, that did not appear to him to be the question on which the debate ought to turn. He had said, the sole question was, Will you have this peace, or continue the war? this was not, in his humble conception, the question to be considered. There could not be two opinions upon it; every man would prefer the peace, such as it was. The true question was, Under our present circumstances, could a better peace have been obtained? This was a question of very material importance, and to which he could not answer of a sudden. It must be seriously enquired into and deliberately discussed. The present might be the best peace possible, but the House were not yet competent to say, whether it was or was not. The whole of the evidence was not before them, till the treaty with the Dutch came, which necessarily had a reference to the papers on the table, and was one part out of four that completed the general peace; the House would then be able to enquire and to decide. In the mean time the House would act wisely to suspend their opinion. In the treaties there were grounds of objection. With regard to Dunkirk, he did not quite agree in opinion as to its importance, with those who made the treaty of Utrecht. The hon. gentleman who spoke last, had stated that we had no resources to carry on the war any longer. He knew not what resources we had; but, though he wished to defer the judgment of the House upon the important papers submitted to their consideration, he meant not to disturb the peace. He meant to confirm it. If there was any distinguishing fault in the making of the peace of 1763, he had at the time thought too much eagerness had been shewn by those who negociated it; perhaps that had been the fault now, and the minister had hurt the interests of the country by his anxiety to conclude the peace, in order to secure his continuance in office. The Address that had been just moved, stated, "that the House had taken the treaties into their most serious consideration, &c." this, he believed, was not strictly true; he should therefore move an amendment, wherein he should correct this false assertion, and by which his intention was to assure his Majesty of their inviolable resolution to preserve the national faith. His lordship concluded with moving an amendment, by leaving out from the words "and to assure his Majesty, that" in the first paragraph, to the end of the question, in order to insert these words, "his faithful Commons will proceed to consider the same with that serious and full attention which a subject of such importance to the present and future interests of his Majesty's dominions deserves: that, in the mean time, they entertain the fullest confidence in his Majesty's paternal care, that he will concert with his parliament such measures as may be expedient for extending the commerce of his Majesty's subjects. That whatever may be the sentiments of his faithful Commons on the result of their investigation of the terms of pacification, they beg leave to assure his Majesty of their firm and

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unalterable resolution to adhere inviolably to the several articles for which the public faith is pledged, and to maintain the blessings of peace, so necessary to his Majesty's subjects, and the general happiness of mankind," instead thereof.

Mr. *St. Andrew St. John* seconded the amendment; he said, that the ruin of the nation from the excess of debt, and the increase of taxes, was the ground upon which the objections to wars in general were built by all former advocates for peace; and as they were mistaken in their prognostications, when the debt of the nation did not amount to twenty millions, so it was possible the advocates for the present peace might be equally mistaken. It had been asserted, that we were to have continued merely on the defensive; but to this opinion he would by no means subscribe; for the relief of Gibraltar by lord Howe, in the face of a superior force, shewed that we were secure from any attack at home; and the glorious victory of lord Rodney in the West Indies, demonstrated that we were able to act offensively in that part of the world.

Lord *North* spoke next. During the thirty years, said his lordship, in which I have had the honour of serving my country in this House, I do not remember to have risen with more anxiety and reluctance than I feel on the present occasion. Although I am neither a minister, nor a candidate to become a minister, yet I cannot but sympathize with ministers, from my experience of their situation. Knowing the state of the nation, the necessity there was for peace, the enormous expence of war, it was my wish not to have said any thing inimical to the preliminaries which are now before our consideration. Considering that the power of making peace and war was, very salutarily for the whole, confided in the crown, I had trusted that ministers would have built the preliminaries upon the most permanent foundation. I could not have imagined they would have conceived it necessary to say themselves one syllable on the occasion. I depended on their imitation of that great man, Mr. Pelham, when he was in circumstances exactly similar to their own. That minister, who, having made the peace of Aix la Chapelle, at the conclusion of an unsuccessful war, like the present, with that simplicity and confidence which marks the conduct of a great and an honest man, presented the treaty to the consideration of the House without a tittle of preamble. He declared that he would not speak in its vindication. To say any thing in its vindication, would be a tacit condemnation. He, therefore, like a great, good, and a wise man, left the House to consider on the propriety of his peace from the relative state of the country. If the relative state of the country could not countenance the peace, it would be as nugatory as it was impertinent to intrude his argument in its favour. The treaty was considered. It was no sooner considered than approved. There was no part that could suggest an idea of censure on the minister's conduct. It was my hope that this peace would have been similar in its deserts and its approbation: then I should, happily and very satisfactorily to me, have been exempted from breaking my silence. But being called on to give to this treaty my approbation; to term it meritorious, to praise the minister who made it, and to sanctify it with that parliamentary approval which nothing could authorise, but a clear and positive certainty of its being beneficial to the general interests of the empire, I must advance to a candid, liberal, and necessary discussion of its merits. Besides, I am absolutely not only called upon, but compelled to reply to a direct accusation of past conduct: an enquiry into which I shall always be more happy to meet than to recede from. So that, however unwilling I might have been thought to have met such a discussion, it would have been entirely impossible, not to say derogatory from every principle of honour, to have avoided the discussion of the present subject. The hon. gentleman who has moved the address, has so pointedly and personally directed himself to me, that I cannot avoid giving my sentiments on these preliminaries. Neither can I avoid stating the reasons which render it impossible for me to accede to that species of unlimited approbation moved for by the hon. gentleman who opened the debate: and, although I experience the greatest difficulty in stating these reasons, yet I feel a much greater to withhold them. Were I to suppress my reasons, I should be considered as giving my tacit approbation of that conduct, which I am afraid my country will feel as much cause as I do for condemnation. But, on the contrary, should I give my sentiments, they may be construed by the House into a desire to impede the operations of government, and a disposition to carry on a war which has,

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I must own, too fatally proved disastrous to the welfare of Britain; but whatever may be the extent of this opinion, nothing can be more false: I am therefore compelled to rise. I hope that I shall be understood, in this necessity, not to mean the least impediment to the operations of government, nor to join in any personal, prejudiced, or vindictive censure of ministers; or in any particular to counteract, or to frustrate, the peace which has been with so much difficulty concluded. Not that I wished to have been the cause of the peace, which, in my opinion, has been constitutionally made under the wing of prerogative; or to subject its advisers, who were responsible. I will declare my reasons candidly and unreservedly, why I cannot agree to the propriety of the approbation moved by the hon. gentleman, and why I shall espouse the amendment proposed by the noble lord. The hon. gentleman who moved the address has put the question to me, If you approve not of this peace, can you make a better? This is a question I will not pretend to answer. Those who were employed in making this peace must know much better than I, the possibility of making a better peace. All I can observe upon this question is, that from the situation of the country, I will ask, Whether this is such a peace as ought to have been made? Ministers may deprecate the censure of parliament, by asking them, Could they do better? But this can be no excuse with the people, who find their hopes, confidence, and expectations disappointed.

Having read the preliminary Articles, and the provisional Treaty, with the most fair and impartial attention, I cannot find in any one Article any ground for the assertion, that they have been concluded on the principle of *uti possidetis* with the House of Bourbon. In regard to France, the House will perceive, that by the fifth Article they are permitted to fortify the islands of St. Pierre and Miquelon. This is not mentioned by the honourable author of the motion. He has not observed, that this was carefully avoided in all former treaties. He has not observed, how materially this affected the Newfoundland fishery, by rendering the stipulation infinitely more important and lucrative to France than it had ever been in any former treaty. He has not observed, therefore, that as it enables the French to carry on the fishery in time of war, it is a power which she never yet had enjoyed. This treaty has ceded St. Lucia. Of its importance, a better idea cannot be conceived, that from adverting to the number of islands which she has ceded to us as a compensation. She has restored to us Grenada, the Grenadines, St. Vincent's, Dominica, St. Christopher's, Nevis, and Montserrat. From this it is evident, that this one island in the scale of French negociation is worth the purchase of five. Thus has she given us the superiority; *quo ad hoc*—she had made us masters of our possessions in the West Indies.

In Africa we have ceded every thing. In India we have restored to the French all their former establishments. There is not one reserved to us on the coast of Orixa; we have also given them liberty to surround Chandernagore with a ditch, besides engaging to take such steps as should secure a safe, practicable, and independent commerce on the coasts of Orixa, Malabar, and Coromandel; Pondicherry and Karical we have restored; we have given them possession of Mahé, and of the Comptoir at Surat: such has been the principle of *uti possidetis* with regard to our cessions and restorations in Africa and the east.

But with respect to the sixteenth Article, if I may be allowed to give my serious answer, I must candidly declare that it is not within my humble apprehension. I do not understand either its principle or its execution; I cannot conceive from this Article, whether we can with any propriety consider a peace as yet concluded; at least it appears to me not positively concluded with France. For by this Article the conclusion of the peace most materially depends upon the inclination of Holland; our treaty with them has such a relative connection with that of the sixteenth Article, that it is impossible to consider ourselves at peace with France, until their high mightinesses have ratified the treaty; but as this remains to be done, the business is inconclusive, and, therefore, cannot with any precision be considered. So that nothing can farther be said on this part of the treaty than that it makes our India situation very precarious, and gives the most obvious advantages to that of France. This is particularly exemplified in Hyder Aly: should he not choose to sheath his sword, he might and undoubtedly would do us and our allies infinite mischief. What power have we to withstand his depredations? The nabob of Arcot, a poor man, who is more under

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the necessity of being defended, than of possessing the power of defending; will he be able to fight Hyder Aly single handed? For the truth of this, I shall only appeal to the superior knowledge in India affairs of my learned friend, the lord advocate.

Having thus far touched upon the Articles relative to the cessions and restorations in America, the West Indies, Africa, and the East Indies, I shall now proceed to give my sentiments on the seventeenth Article, by which we have consented, by which we have absolved, abrogated, and suppressed every article in former treaties that has had any reference to what has been considered, in the eyes of Europe so important and honourable to Great Britain. But, although I have to condemn the principle of this Article, yet I must be free to confess, that I never held Dunkirk in that estimation, which has been the cause of its being so importantly considered in former treaties. I consider it not in the same point of estimation as those who made the very memorable treaty of Utrecht. But yet I cannot but own the importance of Dunkirk is very great, as far it tended to perpetuate former victories, and to demonstrate present power. To keep an English commissary on the territories of an enemy for the purpose of reporting, checking, and preventing any attempt to erect or repair any wall or building as a fortification—or even to clean their harbour, so as to admit of ships of a burthen beyond certain limitations, could not but debase the dignity of the French, and exalt the honour, power, and authority of ourselves; so far was the abrogation and suppression of former treaties with regard to Dunkirk impolitic, if not unnecessary. But, however, during the present war, indeed, France has forborne any attempt to erect, repair, or restore its former fortifications. This a reason which renders it of less apprehension than what it had been in former wars. But the reason is evident, France having experienced at the conclusion of every war with Great Britain, that she has been obliged to demolish the fortifications she had erected, chose in the present war to save her money and her chagrin. Now it was more than probable she would put it into a state of immediate fortification; for now she had rid herself of what she felt not only a degradation of her character, but an insult on her weakness. We may, therefore, experience the disagreeable effects which we had in former wars, and which had been the first cause of our requiring its demolition; so that in whatever point of view I consider this treaty with respect to France, I must confess my incapacity to find what part of it has preserved the principle, so much boasted, of *uti possidetis*.

I have now to consider the treaty with Spain. Let me view it in whatever light it presents itself, I cannot but think the cession of Minorca was unfortunate, and that of East Florida improvident. The hon. gentleman is surely very wide from the truth, in saying, that as we had lost West Florida, East Florida could be of little moment in our possession; for in my opinion, having lost West Florida, East Florida was then to us of the greater moment. It is true, by the fourth Article, British subjects are allowed to cut logwood; but this Article is surely a nugatory stipulation. Why was not the district specified? Why was not its situation described, and its boundaries circumscribed? Beside, why was the allotment deferred until the period of six months? These are questions that I could wish were satisfactorily answered. The place when it is allotted may prove the least agreeable to us, and the least consistent with our conveniency. As to the Bahama islands, in what bear they the least competition with the Florida we have lost, and the Florida we have ceded? You cannot look round the coast of the latter province, without seeing a number of small islands from whence our Jamaica trade will be always subject to annoy from privateers which may be equipped and harboured in their bays, rivers, and ports. Our Jamaica trade cannot pass the Gulph of Florida without being liable to such a depredation. Since Cape Nicola Mole is fortified, they cannot find another passage. The consequence of this will prove particularly dangerous in a future war. For now we have not Georgia, which used to shelter us from the hurricanes and tempests too frequent and formidable in those seas. Had we retained Georgia, we should have congratulated ourselves on there yet being a resort for our trade and shipping, which is now unavoidably exposed to the dangers of the seas, seasons, and enemies. Where, then, is to be found the least ray of *uti possidetis*?

Now with respect to Minorca, it is true, that Gibraltar, in its situation, is very convenient for our ships passing the straits

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It is situated in a fine, healthy, and pleasant climate, and is provided with excellent water, by which our ships may be refreshed and recruited. Its situation, likewise, affords us an opportunity of keeping the Moors from annoying our trade by their corsairs. Here we can always keep that number of men of war which protects our trade from their piratical depredations; so that Gibraltar may be considered the bond of peace between us and the Algerines, so necessary to our commerce in the Mediterranean. But these advantages have proved, and always will prove, the cause of that discontent which will be likely to break into a war on every occasion. The Spaniards have either a pretence, possibility, or probability, of repossessing themselves of the fortress. This is not the case with Minorca; it does not lie upon the territories of continental dominion; it is an island, at some distance from their territories. Besides, as we have still our naval superiority, we can always protect its possession with more ease, while its loss must be attended with more difficulty to our enemies. This is the peculiar advantage we derive from its being an island. The harbour of Port Mahon is known and acknowledged to be the finest and most convenient in the world. Here all the navies of Europe may ride in safety, and under protection. Here our fleets might have wintered, cleaned, and repaired without either danger or interruption; our men might be permitted to refresh themselves on shore, without the danger of their deserting; so that from this island our squadrons might have been always ready to have sailed at any time to annoy the trade, alarm the coasts, and meet the fleets of our enemies without the least danger of intelligence being communicated to the enemy of their designs; a convenience which we cannot now boast of in all our remaining possessions. From its latitude it enjoys a fine climate. From possessing Minorca with such eminent advantages, we were respectable to all the Italian and Barbary states; for whether it might have been our concern to annoy theirs, or protect our own trade, its possession was invaluable. There is no nation, possessing any trade in the Mediterranean, but will always feel the consequence of that state who possesses Minorca, whether they be friends or enemies. By the possession of Florida, we had possession of harbours that would always, in a Spanish war, give us the most singular advantages with regard to our shipping, and endanger their navigation to their southern territories. This should have rendered it of sufficient estimation in the opinion of any minister to have kept its possession by every means of power and treaty. Nothing can more enfeeble the operations of the Spaniards in war, than an impediment to their gold trade. It is from this they derive every resource of power; so that any restraint on this part of their navigation must shrink their sinews of resource, and enervate their system of power. Deprived of their foreign riches, they have no internal resource. Industry has not yet given them domestic strength. They have no positive power. All their strength arises from their foreign possessions. Then why have we dispossessed ourselves of the only means by which we could debilitate, if not destroy, these dependencies of their power? We have not only given them a security for their own power, but have absolutely given them the means of enfeebling our strength. I am surprised, then, at what could have given the hon. gentleman the idea of the principle of *uti possidetis* in these preliminaries. He may reconcile it to his own ideas, but he can never impose it on my credulity, while I retain my knowledge, experience, and judgment.

In the provisional treaty, I find articles that are a positive contradiction to that reciprocity set forth in their preamble. I cannot find in them any appearance of either equity or reciprocity. I have examined the treaty with the most minute attention; and, as far as my little knowledge of geography will permit me to say, I have found, if the expression may be allowed, that the "reciprocity is all on one side." The boundaries which have been drawn, are not only new in their nature, but extremely generous in their principle. By these boundaries we have given America, in Nova Scotia and Canada, a tract of country so extensive, that it comprehends twenty-four Indian nations. Here many forts have been created and retained at an immense expence to Great Britain; but these may probably be considered merely as losses, were we to revert to the many advantages we have resigned by this cession. Why was not the boundary which is to be found in your statute-book on the table, as settled in the year 1774, thought as proper as that which is now established with regard to Canada? by



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this the Americans would have been at such a distance, as might not have tempted them to break that permanency of friendship which, I believe, every one conceives to be necessary to encourage. In the present boundary they have accession within twenty-four miles of Montreal. [Here his lordship very ably particularised the forts which we had in these new boundaries resigned to America. He likewise specified the sums which had been expended by this kingdom in their erection and possession.]

By the third Article we have in our spirit for reciprocity given the Americans an unlimited right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland. But this was not sufficient. We have also given them the right of fishing in the gulph of St. Lawrence, and at all other places in the sea, where they have heretofore enjoyed through us the privilege of fishing. They have likewise the power of even partaking of the fishery which we still retain. We have not been content with resigning what we possessed, but even share what we have left. The United States have liberty to fish on that part of the coast of Newfoundland which British fishermen shall use. All the reserve is, that they are not to dry or cure the same on the island. By this grant they are at liberty to take our property, for which we have so long kept possession of the island. This is certainly a striking instance of that liberal equity which we find is the basis of the provisional treaty! but where shall I find an instance of that reciprocity which is also set forth in the preamble? We have given the Americans the unlimited privilege of fishing on all the coasts, bays, and creeks, in our American dominions. But where have they, under this principle of reciprocity, given us the privilege of fishing on any of their coasts, bays, or creeks? I could wish such an article could be found, were it only to give a colour to this boasted reciprocity. The advantage we should derive from such an article cannot be a consideration; for every real and positive advantage to Great Britain seems to have been entirely foreign to the intent and meaning of this peace in every particular; otherwise, I should have thought it would have been the care of administration not to have given, without the least equivalent, that permission which they could never demand as British subjects. I am at a loss to consider how we could grant, or they could claim it as a right, when they assumed an independency which has separated them from our sovereignty.

By the seventh Article all hostilities are to cease, and an unreserved exchange of prisoners is to be made. We are also to withdraw, with all convenient speed, all our armies, evacuate all our garrisons, and withdraw our fleets from every part, place, and harbour within the United States—taking especial care to leave in all fortifications the American artillery that may be therein. But where is the stipulation for our British artillery to be restored by the Americans? We have been as liberal in our grants, as we have been forbearing in our requisitions. Surely there can be no reason for adducing this as an instance of reciprocity. There seems to be a peculiar mockery in the next Article, which grants us an eternal and free navigation of the Mississippi, from its source to the ocean, in participation with the United States. Such is the freedom of the navigation, that where we were not locally excluded, we have effected it by treaty. We were excluded by the northern boundary. The east is possessed by the Americans. The west had been ceded by the peace of Paris to the French, who had since granted it to the Spaniards; and each shore at its mouth is ceded by the present treaty to Spain. Where is, then, this navigation, so free and open, to be commenced? all the possession, I believe, that we shall ever have, will be its nomination in this treaty. We must be content with the grant without the possession.

And now let me, Sir, pause on a part of the treaty which awakens human sensibility in a very irresistible and lamentable degree. I cannot but lament the fate of those unhappy men, who were in general objects of our gratitude and protection. The loyalists, from their attachments, surely had some claim on our affection. But what were not the claims of those, who, in conformity to their allegiance, their cheerful obedience to the voice of parliament, their confidence in the proclamation of our generals, invited under every assurance of military, parliamentary, political, and affectionate protection, espoused, with the hazard of their lives, and the forfeiture of their properties, the cause of Great Britain? Were these deserving of being excluded from that ray of protection which was held out by the fifth Article, in favour of those loyalists who had not drawn the sword in our defence?

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By this, there was a provision made for them, which promised a species of retribution and protection. The Congress are earnestly to recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights, and properties which had been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the United States. Every other description are to have the liberty of going into part of the United States, and there remain without being molested for the space of twelve months, in their endeavours to obtain the restitution of their confiscated properties. Is this agreeable to the spirit of conciliation, which on the return of peace should universally prevail? Who, then, possessed of the least particle of humanity, but must anticipate the miseries these brave and patriotic men must feel from our resigning them to poverty and wretchedness? I cannot but feel for men thus sacrificed for their bravery and principles. They have exposed their lives, endured an age of hardships, deserted their interests, forfeited their possessions, lost their connections, and ruined their families, in our cause. Could not all this waste of human enjoyment excite one desire of protecting them from that state of misery with which the implacable resentment of the States have desired to punish their loyalty to their sovereign, and their attachment to their mother country? If we had not espoused their cause from a principle of affection and gratitude, we should, at least, have protected them, to have preserved our own honour. If not tender of their feelings, we should have been tender of our own character. Never was the honour of a nation so grossly abused as in the desertion of those men, who are now exposed to every punishment that desertion and poverty can inflict. Nothing can excuse our not having insisted upon a stipulation in their favour, but evident impossibility. But where appears this impossibility? I would, for the honour of my country, that there had been an impossibility of stipulation in their favour; then their miseries would not have been aggravated by the reflection of our ingratitude. But to me such a stipulation appears to have been too practicable for my approbation of this treaty. Could not all the surrenders we have so liberally made to America, give us that pretence for reciprocity in favour of these unhappy loyalists? Could not the surrender of Charlestown, of New York, of Rhode island, and Penobscot, purchase the security of these deserving people? Was Congress not sufficiently sensible of debility of internal resource to prosecute the war? Had she the temerity to have persevered in a war, rather than have given up this opportunity of exercising her implacable and impolitic resentment? I term it impolitic; for it will establish their character as a vindictive people. It would have become the interests as well as the character of a newly-created people, to have shewn their propensity to compassion. Did they consider these loyalists to have done wrong, they should rather have pitied than punished their error. It would have been more politic in them to have conciliated than to have alienated those affections which arose from principles of loyalty and attachment. They should have considered that such principles form the cement of states. And that it is by loyalty and attachment that they must preserve their own existence. But was it not to be expected that France and Spain, after every other omission had been made, would have prevailed with the Americans to have relaxed in this part of their provisional treaty, rather than the whole system of peace should have been destroyed?

The hon. gentleman who has made the motion has said, that parliament in having declared the Americans independent had made the peace, and are, therefore, responsible for any improper concessions or restorations. It is true that a Resolution has passed this House which I opposed, because I considered it as an incumbrance to our exertions. However I admit, that this Resolution gave America her independency, and that peace was the natural consequence of this Resolution. For I must confess that peace could not be obtained, after such a Resolution passed, without recognizing their independence. But can any man say, that this Resolution included necessarily all the concessions and restorations contained in the Preliminaries and Provisional Treaty? Did parliament order them? Did parliament give instructions for the cession of Charles Town, New York, Penobscot, Rhode Island, Detroit, and the fisheries? Did parliament order the abandonment of the loyalists? Parliament has not given

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their countenance to these facts. So that ministers are accountable, and not parliament, to the people.

From every light in which I have viewed the papers now before us, I cannot give that approbation to the peace which is included in the meaning of the Address. For, although I do not pretend to the ability or the means of making a better peace, yet I cannot but say, that it is not such a peace as we might have expected, from the relative situation in which we were left by the successes of the last campaign. Therefore, I cannot go to the foot of the throne with an address of approbation: but I think it becoming and necessary to give his Majesty thanks for the papers, and also to give him assurances of the House fulfilling every tittle of that, for which public faith is pledged in the several Articles. I shall therefore vote for the amendment proposed by the noble lord, and, with his approbation, I will propose an addition of a few words, expressing the sense of the House respecting the loyalists. I shall therefore move the House, that after the words "commerce of his Majesty's subjects," these words be added: "And his Majesty's faithful Commons feel that it would be superfluous to express to his Majesty the regards due from the nation to every description of men, who, with the risk of their lives, and the sacrifice of their properties, have distinguished their loyalty and fidelity during a long and calamitous war."

[While lord North was speaking, a dog who happened to find his way into the House, began to bark, and set all the members in a roar. Lord North laughed heartily; and when the House was restored to order, he threw it again into the loudest fit of laughter, by jocosely addressing the chair, "Sir, I was interrupted by a new Speaker, but as his argument is concluded, I will resume mine."]

Mr. *Powys* congratulated the noble lord in the blue ribbon, on the recovery of his weight and influence in that House. The country had already reaped so many blessings from the noble lord's administration, that every true friend to Great Britain must sincerely rejoice at the noble lord's again being likely to gain an ascendency within those walls. Let the House, however, consider the question before them with fairness, let them look at it without prejudice, and let them exercise their own judgment, in determining how they would vote. An Address had been moved, declaring their sense of his Majesty's gracious condescension in ordering the preliminary and provisional Articles to be laid before them, to assure his Majesty that they had considered them with the attention which so important a subject required, and to acknowledge to his Majesty their due sense of his paternal regard for the happiness of his subjects, which had induced his Majesty to relieve them from a burthensome and expensive war. Upon this Address an amendment had been moved, declaring that the House would take the Articles of the several treaties into their most serious consideration, and this amendment was supported by arguments that the fact asserted in the Address originally moved, was untrue, and that the House had not yet taken them into their serious consideration. Let gentlemen remember, that the three treaties had been upon their table full three weeks, which surely was a sufficient time for every member to examine them with attention; that day had been set apart for their public discussion, and if he mistook not, they had already been solemnly debating upon them for some hours, and they would in all probability spend many hours in the same manner; would any man, then, take upon him to assert, that by the time the House should rise, the treaties would not have undergone an ample discussion? With regard to some part of the Articles, he was fair to say, he wished they had not stood as they did. For instance, he should have been better pleased if East Florida had not been given up to Spain, and Tobago to France. With regard to America, at the time that certain gentlemen, whose public principles he approved, and with whom he had long acted, withdrew themselves from his Majesty's councils, the House would remember that the ground of difference was, the manner in which the independence of America should be acknowledged. An hon. gentleman (Mr. Fox), for whose abilities he had the highest respect, had contended, that the best way would be to do it with magnanimity, and to acknowledge the independence of America unconditionally; the noble earl at present at the head of his Majesty's councils, on the other hand had contended, that it would be better policy to make the recognition of independence the basis of a treaty, and to grant it as the price of peace. The provisional treaty certainly did not shew that this idea had been carried into practice;

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and so far the present first lord of the Treasury had not proved himself so able a politician as he had given himself out to be; but if he had failed in shewing himself a great statesman, he had certainly proved himself a good Christian, for he had not only parted with his cloak to America, but had given her his coat likewise. Not thinking the naked independence a sufficient proof of his liberality to the United States, he had clothed it with the warm covering of our fur trade, and had given them an extensive boundary with the cession of the fishery, of Charles-Town, New-York, Long Island, Penobscot, and all that variety of forts so accurately described by the noble lord in the blue ribbon. This certainly was going a great way farther than he saw any necessity for, but he was nevertheless prepared to say, that notwithstanding the objectionable parts of the treaties with France and Spain, notwithstanding the exceptions to the provisional treaty with the United States (in which there certainly was more of liberality on our part, than mutual reciprocity) yet taking the whole together, and the circumstances under which the peace had been made, he was ready to give his full assent to the Address that had been moved, and to declare he was completely satisfied. Nor did he say this, from any personal or interested motives; he made no scruple to avow, that he had no great predilection for the present first lord of the Treasury; but let his character be what it might, he deserved their thanks for having broken the confederacy in arms against this country, and which threatened her absolute ruin; a confederacy so strange, unnatural, and heterogeneous, that, before it had been formed, it had been repeatedly argued in that House, that such a confederacy could not possibly have existence. But this seemed to be the particular æra for strange confederacies. The world had seen great and arbitrary despots stand forth the protectors of an infant republic; they had witnessed the kings of France and Spain engaged in a war to establish the rising liberties of America. That House now viewed the counterpart of this picture; they saw the lofty and strenuous assertors of regal prerogative united in alliance with the humble worshippers of the majesty of the people; the most determined advocate of the influence of the crown going hand in hand with the great purifier of the constitution; while the ministers of the day, like Great Britain before the peace, were engaged in a contest with the powerful confederacy which he had just described, without an ally, save only a few refugees from the opposite party. He hoped ministers would better reward and take more care of these refugees than they had evidently taken of the loyal refugees of America. He concluded with declaring, that what he had said were the genuine sentiments of his mind, unbiassed by interest, uninfluenced by party. He had stood up that time in the character he was determined to preserve, that of an independent member of parliament, free to judge for himself, and speak his own opinion.

Lord *Mulgrave* observed, that as it was the province of the prerogative to make war and peace, and peace having been made constitutionally, he considered the national honour to be pledged for a due performance of the several articles of the respective treaties. He therefore thought for the sake of the necessary credit of government, and for the sake of the common weal, that House should give it their sanction. At the same time, he saw much ground of objection, not only to the particular articles of the respective treaties, but to the general complexion of the whole peace. The obvious impression that a view of the various articles afforded, was, that it rather appeared to be a peace patched up for the present, than a peace that promised to be permanent. The preamble of each treaty, compared with the articles that followed it, looked as if it was not penned at the same time; there was no congeniality of sentiment; no concurrence of idea. The one promised mutual advantage as the basis of the treaty, the other turned the advantage all one way. And here, he could not but take notice of opinions that had been broached in that House, that such was our situation, that any peace, however short its duration, was a matter to be desired. The miserable policy of such a doctrine deserved the severest reprobation. It was clearly the interest of this country, when she made peace, to make it on such a footing as should ensure its continuance. Much better were it for Great Britain at any time, but more especially at the present, to continue the war than to agree to a momentary pause, to take breath merely, and to renew the combat. A variety of obvious circumstances must press upon the consideration of the House, to shew the truth of this argument, but if any other were wanting, the disgraceful nature of the

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several treaties upon the table, and the recollection of the glories of the last campaign and the present state of our maritime and land forces, were sufficient to prove it, and bring it home to the general conviction of mankind, that instead of submitting to the humiliating terms that had been dictated by France, this country was entitled to resist disgrace, and demand, what the preamble of the treaties held out to be their basis, her share of advantage.—In order to prove, that by the treaty with France the interest of that power alone was consulted, and that where a benefit was certain, it was thrown into her scale, while, on the contrary, every thing likely to create doubt and difficulty, to produce future dispute, and give rise to future trouble and expence, was thrown upon us, he took a general and cursory view of the several articles. That which consented to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of Utrecht downwards, he dwelt on as particularly impolitic. By giving France a power to fortify Dunkirk, we enabled her to annoy us exceedingly in every future war, since the free exercise of such a port, within five hours sail of our eastern coast, could not but furnish France with frequent opportunities of doing us the most essential injury, and should she be able or think fit to enlarge the harbour, and render it capable of receiving larger vessels, than it could at present admit, might prove of the most serious consequences to us. The noble lord in the blue ribbon, had with great accuracy and force of argument observed upon the articles of the treaty with France, but notwithstanding the great abilities the noble lord had displayed, he thought he had not paid the fifth Article due attention, or painted its ill consequences in colours sufficiently striking. By that Article his Majesty engaged to cede in full right the islands of St. Pierre and Miquelon. Let the House recollect the situation of these islands, and let them consider what advantage the being enabled to fortify them would give France? Hitherto, as soon as ever hostilities commenced between Great Britain and France, we were enabled, as had been done the last war, to seize upon her fisheries and her seamen, and for the plain and obvious reason that her fisheries were unprotected. Hereafter, this important power would no longer exist; by fortifying the two islands of St. Pierre and Miquelon, France would be as capable of carrying on her Newfoundland fishery, in time of war as in time of peace, and at the same time would have it in her power to annoy and distress us exceedingly.—He called to recollection, the conduct of that great statesman the earl of Chatham, with respect to that fishery. The present administration had the name and abilities of that great minister; he wished to God, it had also had the experience and the influence; had that been the case, he was persuaded France never would have been able to obtain such terms. In the negociation of 1762, France knew that Mr. Pitt would not allow her to make herself strong against another war. They then undoubtedly wished as much as they now do to obtain a protection for their fishery, but they knew that minister was too clear sighted and too firm a negociator to grant any thing that could hereafter be easily turned to the disadvantage of his country. Hence they required not a restoration of the fortess of Louisbourg, and Cape Breton, but asked for l'Isle Royale (so they termed Belle-Isle) for the sole purpose of affording a shelter for their fishermen, and it was ceded to them under the express condition of their using it for no other purpose.—His lordship next mentioned the advantage France derived from having the place of her fishery changed from the eastern to the western side of the island of Newfoundland (the new limits exceeding the old ones), and dwelt for some time on the restoration of St. Lucia, and cession of Tobago. He also pointed out the manifest superiority granted to France in Africa, and the dangerous tendency of the articles relative to the East Indies. Upon the whole, he was convinced France had obtained terms from us, more advantageous to her than she had any sort of right to insist on, and more humiliating to us, than, every circumstance considered, we ought to have granted.—When he came to speak on the treaty with the United States, he declared that it was, if possible, still more liable to objection, because America had less power to force her requisitions.—He next came to the Article respecting the loyalists, which he said he never could regard but as a lasting monument of national disgrace. Nor was this Article, in his opinion, more reproachful and derogatory to the honour and gratitude of Great Britain than it appeared to be wanton and unnecessary. Had we not enough of America in our hands to have

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compelled Congress to have done justice to that unfortunate description of men, who had almost a right to expect we should have continued the war, rather than have abandoned them? The hon. gentleman who made the motion, had asked, if those gentlemen who thought the present peace not sufficiently advantageous to Great Britain, considering her circumstances, would consent to pay the amount of expence another campaign would have put us to, for the degree of advantage they might think we had a right to expect?. In answer to this, he declared for one he had rather, large as the sum in question was, have had it stipulated in the treaty that Great Britain should apply it to making good the losses of the loyalists, than that they should have been so shamefully deserted, and the national honour so pointedly disgraced, as it was by the fifth Article of the treaty with the United States. Had that plan been adopted, all Europe would have seen, that no misfortunes of war, no diminution of power, could lessen the high sense of honour Great Britain had uniformly acted up to on every former occasion. The matter would have been then done publicly, and in the face of the world; now, whatever ministers were able to obtain for the loyalists, must be by secret negociation, consequently the justice government ultimately might do those, who had such ample claims upon this country, being done in private, would by no means remove the stigma thrown upon the national character. His lordship concluded with declaring he should vote for the amendment proposed by the noble lord.

Mr. Secretary *Townshend* said, it was not a little extraordinary, that the principal ground upon which the amendment had been moved, should be, that the House had not yet considered the treaties. Did the noble lords who used this argument recollect, that the treaties had then been nearly three weeks upon the table, that scarce a day had passed, in which, somehow or other, they had not been brought into debate, and that it had been repeatedly said, "when will you suffer them to be taken into our consideration? Appoint a day for their discussion. It is high time that the House should give their opinion upon them," and such sort of language? Yet now it was affected to be said, that sufficient time had not been afforded for their consideration. The inconsistency of this conduct was sufficiently obvious. Ample time had been afforded, and that day had been set apart for the discussion of the several treaties: ministers were desirous that they should be discussed in the fullest manner, and all that was asked by the amendment was, that the House would thank his Majesty for laying the treaties before them, and declare their readiness to adhere to the several articles of each. With regard to the argument of the noble lord in the blue ribbon, that he could not give his approbation to the peace, and that had he not been called upon to offer incense to the ministers, he should have remained silent; upon his word, Mr. Townshend said, had not the noble lord stood so long upon his legs, he should have thought he had been talking in his sleep, and dreaming of some of those fulsome addresses crammed with the grossest adulation to government, that had been so often moved when that noble lord was at the head of his Majesty's councils. In the present address there was not the smallest appearance of flattery to the king's servants; on the contrary, particular care had been taken that it should be drawn in as unexceptionable a form as possible; he was not therefore surprized at hearing such idle arguments set up against it as the House had listened to; no solid objection, he was persuaded, could be opposed to it. That peace was necessary, he believed, no man would contradict. Nay, one honourable gentleman had felt this necessity so strongly, that he lately declared that almost any peace, and for any time of duration, however short, was desirable. The peace that had been made, upon a fair and candid consideration of the circumstances of the country, would, he trusted, be found to be a peace as good as we had a right to expect, and a peace that promised to be permanent. In order to judge of the preliminary treaties with France and Spain properly, gentlemen ought to turn their eyes back to the conclusion of the last war, and see, while we had the ascendancy, what humiliating terms we obliged the House of Bourbon to subscribe to; they would then feel that it was natural for France and Spain in adjusting the present peace to insist on our restoring what we had then taken from them, and nevertheless they would find, that, considering France as the head and mover of the powerful confederacy against Great Britain, she had been moderate in her requisitions, and had asked for nothing materially disadvantageous to Great

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Britain. By way of proving this, Mr. Secretary went into an examination of the arguments of Lords North and Mulgrave, and particularly noticed what had been said, on allowing the French to fortify St. Pierre and Miquelon. He declared, he had conversed upon the subject with some of the first officers in the service, and they had uniformly delivered their sentiments in a way directly opposite to that, in which the noble lords had spoken; each person assuring him that nothing was to apprehended from any fortifications the French could raise on these islands, but that in a future war her fisheries would remain as much at our mercy as ever. With respect to the changing the place allotted the French to fish on the banks of Newfoundland, from the eastern to the western side of the island, and allowing them to fish from Cape St. John to Cape Ray, that was a matter he little expected to have heard found fault with, because he had always understood the fishery was not so productive on that side the island as on the other, and certainly the greater the distance between the French fishery and ours, the less it was likely that quarrels and disputes should arise.—He entered into a discussion of the arguments used against the other articles respecting the restoration of St. Lucia, and the cession of Tobago, and the cession of the river Senegal, and of the forts, settlements, and islands in Africa, all of which he defended on the ground either of unavoidable necessity, or that they were scarcely worth our keeping. With regard to the cessions in India, he declared they were made under the cognizance and with the consent of the court of directors of the East India Company, who certainly best knew their own interests. As to the sixteenth Article, notwithstanding what had been that day said upon the necessity of first seeing the treaty with Holland, before gentlemen could vote it, he was still of opinion that it would be every way improper for ministers to state the nature of any treaty which was then under negociation, and not brought to a conclusion; he would, however, venture to declare, that Great Britain would derive many advantages from that treaty, but he would not say Trincomalé was not to be given up. Having noticed the most material objections that had been started against the preliminaries with France, he defended the cession of Minorca and East Florida to Spain, upon grounds similar to those upon which Mr. T. Pitt had reasoned; and last of all he came to the consideration of the provisional treaty with America; in defence of which, he began with reminding gentleman, that by the resolution of that House last year, a padlock had been put upon the British sword, and it thence clearly became the duty of ministers to conclude a peace with America as soon as possible. The statute that enabled his Majesty to grant the independence, paved the way to it, and these leading circumstances considered, he contended, that the peace was unexceptionable. That the treaty had not proceeded upon narrow-minded principles on our part, he was ready to admit, and he trusted that the House in general would agree, that as it was obviously the interest of Great Britain to establish as close a commercial connection as possible between this country and the United States, it became the peculiar duty of ministers so to settle the treaty, that there should not appear in it any thing illiberal, or expressive of anxiety in Great Britain, to keep back any thing the United States might justly expect.—With regard to the observation of the noble lord in the blue ribbon, that the Americans being no longer British subjects, had no longer a right to the fishery which they had formerly enjoyed, he hoped to God that sort of distinction would never be made, but that we should continue to consider the Americans as our brethren, and give them as little reason as possible to feel that they were not British subjects. But that matter out of the question, how were we to prevent the Americans from fishing as they used to do, or why should we desire it? The produce of their fisheries might in a manner be deemed the American staple, and what detriment could their still enjoying it possibly do to Great Britain? We never sent out our ships till about June, and the American fishery was principally carried on in March. Unless therefore it was thought of so much consequence as to warrant our keeping an armed force constantly upon the station, it would be morally impossible for us to prevent it.—He next adverted to the boundaries, the extensiveness of which he defended on arguments of general policy and particular necessity. By the different charters he shewed that the different provinces had various degrees of extent towards the northward, particularly Virginia; and as to the line drawn by the

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statute book for Canada, to which the noble lord had alluded, a very little reflection surely would suffice to convince every gentleman that the attempting to enforce that line would have irritated America, and revived that spirit of resentment, which it was now our business to quiet. The statute in question was the Quebec Act, passed in 1774, an Act by no means relished in America: instead, therefore, of adverting to that line, or the line described by proclamation, it had been thought better to fix a new boundary, fair, just, and liberal, and such as the Americans themselves approved.—With regard to the fur trade, and all the arguments built upon that subject, interested individuals might at first raise a clamour, but in great national transactions, the public good must be the predominant object; nor was the trade so much injured, as some people would have the public to believe; enough of Canada was still left for the carrying on of that trade; and he ever understood it to be a general maxim, that, in proportion as fruits were better, the farther south they grew, so furs were the best which came from countries the most northern. The noble lord who had complained of not having sufficient information upon the subject, to give a vote for the address, had, nevertheless, with a wonderful degree of circumstantial detail, adverted to every matter stated in each of the treaties, and among other things he had spent a great deal of time, in describing the various forts that had been built in North America, and the great expence their erection had cost this country, which were all by the new boundaries ceded to America. The building of these forts at such an enormous expence, had been one of the great follies and profusions of the public money, that had distinguished the administration of the noble lord. Many of the forts were built in the best manner at an immense expence to the nation, when mere blockhouses, or abattis would have answered the purpose as well, and not have cost one half the money. With respect to one of them, (Detroit) if a fort was necessary there, a new one might easily be erected on the other side of the water, and at a small expence. He said, that the Article respecting the loyalists, gave him as much concern as it could do any other gentleman; but it had been impossible to avoid it, the commissioners on the part of America having again and again declared, that they were instructed to insist on it: if the British commissioners, therefore, had refused to accede to it, the treaty must have been broken off, and much time would have been lost. He was ready to admit, that many of the loyalists had the strongest claims upon this country; and he trusted, should the recommendation of Congress to the American States prove unsuccessful, this country would feel itself bound in honour to make them full compensation for their losses. The noble lord had complained principally of the exception that was made in the Article, which excluded those who had borne arms from the recommendation which Congress engaged itself to make. Undoubtedly, this exception was much to be lamented; but would the noble lord, or any other gentleman, say, that the whole of the loyalists were to be given up for a part? Let them recollect, that lord Cornwallis, in his capitulation at York town, had acted in a similar manner, and doubtless for similar reasons. After dwelling upon this point for some time, and telling lord North, that if there was any thing particularly disadvantageous in any of the treaties, he ought to be the last member of the House who should complain, as the peace was in fact of his own making, all the difficulties and unpleasant circumstances attending it, having arisen from his mal-administration of the public affairs. He concluded with expressing a hope, that the sense of the House would go with the address as originally moved. But if the noble lord in the blue ribbon would vote for the Address, he would agree to his amendment.

Lord *North* said, he could not agree to the Address.

Mr. *Burke* was very pleasant in his remarks on the modesty of the Address. At the beginning of the session ministers had been very verbose, because when men design to perform little, they promise a great deal. Now that ministers had given away to the enemies of this country immense possessions, few words were judged to be wisest: but, perhaps, the country would deem the verbose address less exceptionable, than that which was defended on the ground of its modesty; at least, he was sure the country would less feel the consequence of the one than of the other; but the right hon. Secretary had adopted a style of reasoning fit for the defence of such conduct: "True," said he, "the peace is a bad one, but could you have made a better? Much has been given to



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the enemy, but, thank God, that much is a heap of rubbish." France, said Mr. Burke, has obtained Tobago and St. Lucia in the West Indies, a dangerous extent of fishery, all the forts and islands in Africa, and a district in the East Indies, which cannot fail to render France a formidable enemy, whenever war shall again break out. To Spain we had ceded East Florida, and guarantied West Florida and Minorca. To America we had given an unlimited extent of territory, part of the province of Canada, a right of fishery, and other extraordinary cessions; and yet the right hon. Secretary told the House, that what we had conceded was of little worth to us, and, in effect, a heap of rubbish. The right hon. Secretary forgot that this depreciation of what we had ceded to France, to Spain, and to America, but ill agreed with his chief argument in defence of the peace; namely, that being triumphant at the end of the last war, we insisted on terms humiliating to the House of Bourbon, and that now the House of Bourbon, having the turn of the scale in the fortune of war, had a right to dictate terms of peace to us; and it was natural to expect, that she should insist on having those humiliating terms reversed. Was France, then, so moderate in the hour of her triumph, that she was contented with a mere nominal cession? Did a heap of rubbish gratify her ambition? Modest House of Bourbon! Humble in prosperity, self-denying, when she could best feed her vanity and her interest! Having pushed this point with considerable force of ridicule, Mr. Burke went into a cursory review of the several treaties, and particularly laid his stress on the cessions to France in the East Indies. He painted the articles that related to that subject as disadvantageous in the extreme, and took notice of Mr. T. Pitt's remark, that we had nothing to fear in that quarter, while we had a great general and a great statesman at the head of affairs there. With regard to the general, no man had a higher opinion of his bravery and wisdom, than he had; so much had been done for his country by his judgment and his valour, that every thing was to be expected at his hands that military skill could achieve: but he must differ with regard to the gentleman described as a great statesman. Perhaps that great statesman would be proved to be a great delinquent, and that his projects of extending the territorial acquisitions of the country had nearly ruined, not only our commercial interests in India, but our very existence in that quarter of the globe. Having argued this strongly, he came to a consideration of the treaty with the United States; a treaty, which in its preamble declared reciprocal advantage and mutual convenience to be its basis, but which was full of the most important concessions on our part, without the smallest balance, or equipoise to support that reciprocity it so much boasted. Had he been worthy to advise ministers in making that treaty, he would have advised them not to mention such a word as reciprocity. If the terms, from the necessity of our situation, were obliged to be such as were replete with disgraceful concession, to talk of reciprocity was adding insult to injury. In like manner, if what this country owed the loyalists could not be obtained, he would not have said one syllable about those most unhappy men. Better to have left the whole to future negociation, and to have been totally silent upon the subject in the treaty, than to have consented to have set our hands to a gross libel on the national character, and in one flagitious article plunged the dagger into the hearts of the loyalists, and manifested our own impotency, ingratitude, and disgrace. Mr. Burke said, there were some of the loyalists whose conduct he never had approved, because he had been persuaded it led to mischief and ruin: but he had no right to say, that even such of them as he had described might not be influenced by motives of purity, and looking at affairs through the medium of prejudice, instill into others those erroneous notions which they themselves had imbibed, and which they firmly believed. At any rate, it must be agreed on all hands, that a vast number of the loyalists had been deluded by this country, and had risked every thing in our cause; to such men the nation owed protection, and its honour was pledged for their security at all hazards. How far any description of the refugees merited the titles of vipers and traitors bestowed on them by the hon. gentleman who moved the Address, he would leave the world to imagine. He saw no use, however, in abusing and vilifying those whom we had shamefully abandoned. He took notice of Mr. Powys's attack on that side the House for the coalition stated to have been formed that day, and maintained that there was nothing heterogeneous in such an alliance, if any such had been formed, which he was yet to learn. He bid those that held such an

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opinion look at the treasury bench at that moment, and see the learned lord (Mr. Dundas) sitting between the Chancellor of the Exchequer, and the Secretary of State. He reminded the House of the frequent speeches of the latter, in opposition to that administration which the learned lord had on all occasions supported; and after creating some laughter at the expence of the present administration, reverted to his original argument, that the peace was disadvantageous and disgraceful. In answer to Mr. Powys's declaration, that the noble lord in the blue ribbon was the cause of it, he said, it by no means followed that we must submit to any terms, because the war had been calamitous and unfortunate. The success of the last campaign gave us vantage ground, and we had a right either to have conceded less, or to have maintained more.

The *Lord Advocate* (Mr. Dundas) contended that the Address that had been originally moved, was such as ought to pass: it did nothing more than express the gratitude of the House to his Majesty for having obtained the blessings of peace for the country. Would any man say, that peace was not a blessing? Would any man say, that in the present situation of the country, that blessing was not ardently and anxiously to be desired? The hon. gentleman, who moved the Address, had given them the most convincing and melancholy proofs that peace was absolutely necessary. He had stated that we were deeply plunged in debt, that we had spent more in carrying on the war just concluded, than any former war had cost the nation, even that in which the duke of Marlborough obtained so many glorious victories; that we were without an ally, and without resources. Under such circumstances, having obtained a peace, what objection could there be to agreeing to a plain and natural Address to the crown, thanking his Majesty for having caused the Articles to be laid before the House, and expressing gratitude for his having restored the kingdom to the blessings of peace? With regard to the amendment, the more he considered it, the more he was surprised. Could not the two noble lords, in the honey-moon of their loves, have begotten a more vigorous offspring? Was such a sickly child the first-born of such able parents, and were they obliged to usher it into life in a condition so rickatty and impotent? Let the noble lord in the blue ribbon consider the state of that day's business, and then see, if it was not more consistent with the manly simplicity of his mind to vote for the Address originally moved. To that Address, unexceptionable as it was, an amendment had been proposed, that swept away almost the whole of it. That amendment the sagacity of his noble friend discovered to be insufficient, because it made no mention of the loyalists. He therefore proposed a farther amendment, as a rider upon that of the other noble lord, and thus was the House called upon to tinker a piecemeal Address, which after all did no more than the Address originally moved, for in that mention was made of the loyalists, and every possible view was answered. Having urged this, his lordship endeavoured to shew, that the noble lord in the blue ribbon and his friends could not consistently vote for the first amendment, and that the noble lord who moved the first, and his friends, could not consistently vote for the second amendment. He rested his arguments on these points chiefly on the professions of each of the separate parties on former occasions. He opposed the one to the other, and contended that it was utterly irreconcilable for men, who had held opinions so diametrically opposite, to unite on a point in which those opinions must, in a manner, jostle against each other. He desired gentlemen, before they condemned the present peace, to recollect what had been their former opinions upon the subject of peace. Let them remember, that the noble lord in the blue ribbon had said, early in the session, that peace was much to be desired; let them remember, that the hon. gentleman in his eye had urged the necessity of peace still more strongly; and let them remember a certain letter that had been written to the mediating power on the subject of a peace with Holland; nay, he would be content if that hon. gentleman would forget almost every thing he had formerly said, and that the House should forget it likewise; let them, if they pleased, forget all they had heard in the early part of the present session; let them forget all they had heard again and again in former sessions; he would only beg them to remember a few remarkable circumstances that had happened ten months ago, when an hon. gentleman in his eye had declared that peace was absolutely necessary, had pressed that argument with all his eloquence, and had asserted, that to his knowledge peace could be obtained; nay,

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that he was so certain of it, that, much as he disliked the noble lord in the blue ribbon, he would even consent to negociate for him, to act under him as a clerk, and to conclude the peace. What had been the noble lord's answer? the noble lord had said, "he would not employ a negociator he could not trust." Let gentlemen hold this memorable offer, and no less memorable rejection of it in their minds, and then let them judge how far the extraordinary coalition of that day was fit to be supported, and how it was possible for men, professing such opposite sentiments ten months ago, to unite now in voting against the present Address. But with regard to the necessity of the peace, let them call to mind, what had been the language of the hon. gentleman when in office. Had he not then said, that bad as things had appeared to him formerly, he had found them to be much worse than he had described; that our navy was in the most miserable condition, that there was not the smallest hope of our retrieving our affairs by a continuance of the war, and that the only possible means of saving the country from absolute ruin was to make peace! Could those, who had talked in this stile, condemn the present peace? What was the reason that had altered their opinion? our navy, indeed, was said to be in a great and glorious condition. What! that navy, now great and glorious, which but ten months ago had been most wretched and disgraceful! Had ships sprung up like mushrooms? Where was now the friend of the late Admiralty-board, who would assert, that the modern "Alexander had conquered with Philip's troops?" Where were those who had uniformly supported the conduct of the noble earl who had formerly presided at the Admiralty? Would they join with the most marked accuser of that noble earl? After urging this sort of appeal to the former speeches and transactions, with an air of some triumph, the learned lord proceeded to a consideration of the articles of the peace. He went through them separately, and defended each upon different grounds. With regard to the East Indies, he said, our possessions there must have been all gone but for the peace. That madman, governor Hastings, by undertaking the Mahratta war, had put every thing to the hazard, and he did not think we could have held a footing of any kind in India had the war continued. He defended ministers for having refused to produce the treaty with Holland, on the ground of its being highly impolitic to do so pending a negociation. When he came to speak of the provisional treaty with the United States, and to take notice of what had been said, respecting the boundary of Canada, he mentioned the two boundaries before described, namely, that declared by proclamation, and that by the Quebec Act. He said he was not in parliament when the latter passed, but if he had been, in all probability he should have voted for it, because he was free to say he had been of opinion that America could have been coerced and subdued. He reminded the House, however, that he was one of the first who had abandoned that opinion the moment the war appeared to be impracticable. He accounted, why the Quebec line of boundary was not adopted, and argued that the boundary prescribed by the Articles of the present Treaty was that least likely to create future uneasiness. He stated, that the fourth Article, the one stipulating, "that creditors on either side should meet with no lawful impediment to the recovery of the full value of all *bonâ fide* debts," as an Article highly beneficial to the commercial interests of this country. An assertion which he supported, by declaring, that he had a letter in his pocket from the merchants of Glasgow, desiring him to thank ministers for that Article; and the merchants of Glasgow, he said, had a full third, if not two-thirds of all the debts due from America, owing to them. With regard to the loyalists, they merited every possible effort on the part of this country, and he was persuaded ministers had done all they could for them. After going through the whole of the various Articles, he contended that the peace, every thing considered, was as good a one as we had any right to expect, and, before it was condemned, it ought to be proved that a better could have been made. He bid the House recollect, that Mr. Fox had formerly said, that he had a peace in his pocket; he wished that peace to be produced, in order that the House might compare the terms of it with those of that upon the table, and, from a fair comparison, judge of the merits of both. An hon. gentleman had talked of the loyal refugees, who had gone over to administration. As perhaps, he might be thought to be one of the persons alluded to under that description, he would take that opportunity of declaring once for all, that he

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would support and strengthen any government conducted on principles that he approved. The Lord Advocate concluded with urging the noble lord in the blue ribbon to vote for the Address.

Governor *Johnstone* was very severe in his strictures on the boundaries of the United States, which he said appeared to him to be not only ignorantly drawn, but to give away lands, forts, and fisheries, which the crown had no legal power to cede. He pointed out the ignorance of those who drew up the second Article, in which it was stated as one part of the boundaries, that a line was to be drawn "along the middle of the river Mississippi, until it should intersect the northernmost part of the 31st degree of north latitude." This, he said, was direct nonsense; there was no such thing as a northernmost part of a degree, and so a mere school-boy, who had just began to look into a book of geography, could tell ministers. He dwelt also particularly on the value of East Florida, which was ceded to Spain, and stated, that when he was appointed governor of it, two commissions were obliged to be made out, in consequence of a geographical blunder in the first. He said, ministers knew not the value of that province, either in point of situation, or of commercial produce: there was a bay in it, called the bay of Espiritu Santo, that was one of the finest harbours in the world. (Mr. Secretary Townshend looking a little surprised at this, the governor said, "I see the right hon. Secretary is ignorant where the bay lies.") It lies in the gulph of Mexico, on the north-west side of the province, is called Tampa bay, or Espiritu Santo, and is one of the finest harbours in the world. Infinitely better and more healthy than the Havannah. There the ships are eat by the worms, and the men are liable to much sickness; in the Bay of Espiritu Santo neither of these inconveniencies are experienced. The governor went into a general review of the different articles of the peace, and after condemning them severely, said, ministers on this occasion, with an air of confidence, ask, "if a better peace could have been made?" In answer to that he would only say, "could a worse have been concluded?" With regard to the declaration of the Secretary of State, that the directors of the East India Company were satisfied with the Articles relative to the East-Indies, he was perfectly astonished at such an assertion. Every director he had conversed with on the subject had highly disapproved of them, and, to his knowledge, the bulk of the proprietors condemned them, as highly injurious to their interests. He saw an hon. gentleman near him, however, who could give the House some information on the subject, and he hoped that hon. gentleman would satisfy them as to the fact. The governor remarked that the term, "ancient possessions," inserted in the 16th Article with France, would lead to endless feuds and disputes, and after making an infinite variety of objections to the treaties, referring to the commission under which he had gone out to make peace with America in 1778, and again stating his doubts as to the power of the crown to grant the independence, he concluded with declaring he should vote for the amendment.

Sir *Henry Fletcher* said, that being so particularly called upon by the hon. governor, he felt himself in a very embarrassing situation in delivering his sentiments fully on the subject; as he had acted through the whole of the negociation for peace in a secret capacity, between administration and the court of directors of the East India Company, he did not feel himself at liberty to give that full explanation of the business, which many members of the House might wish to receive from him. However, he would not decline giving such information to the House as he thought himself justified in doing. He said, that the secret committee of the East India Company, upon the first intimation, received from government, of a negociation for peace being carrying on, and being at the same time called upon for their sentiments on that subject, so far as it might relate to the East Indies, took under their consideration the whole state of the Company's affairs, particularly in India; and considering they had an army in India to pay of near 200,000 men; that they had to provide for the pay of ten regiments of his Majesty's forces there, and 20 sail of the line of his Majesty's ships, besides frigates, to victual; that they were carrying on two wars with two of the most formidable powers in India, one of which had actually invaded the Carnatic, and was in possession of the greater part of the country; that there were large debts at all the Company's settlements, and that their resources for carrying on the war were very precarious, so that they scarcely knew where to raise a lack of rupees; that the French and

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Dutch forces in India consisted of upwards of 20 sail of the line; that 2,500 troops were actually landed in the Carnatic. Under all these circumstances, the secret committee did not hesitate one moment in giving their opinion; that peace was to them a most desirable object, and that they thought it their duty to do every thing in their power towards forwarding and securing a general peace, by making such restoration and concessions in India (provided they did not in any great degree affect the British interest in that part of the world) as might contribute towards bringing about such an event. And having taken the sentiments of a secret court of directors upon the subject, they had the happiness to find that the court concurred in sentiment with the secret committee.

Sir Henry then went into a particular examination of the East India Articles. With regard to the thirteenth Article, which restores Chandernagore and the French settlements in Bengal, he saw no objection to the restoration, as the more trade was encouraged in that country, the better would it be for the East India Company, as we were in possession of the territorial revenues; but he could have wished to have seen the same words in it as were inserted in the Treaty of Paris, which were, "that no fortification should be erected, nor troops received into Chandernagore, other than might be necessary for the police." But when he considered the different situation of the Company in Bengal now, and at the conclusion of the late war, being at that time in possession of the country, he did not see any danger in the Article, as it now stands, as the Company would always have it in their power to prevent any ill effects from it. The court of France might perhaps object to those words being inserted in this Article from mere punctilio. With respect to the ditch, which many gentlemen had expressed great uneasiness at, the French were willing to have it understood that it was merely for a drain. Such, he said, are the words of the Article, and it will be our own fault if we suffer it to be more. During the last peace, the French made a ditch of considerable length, which they informed our government was merely for the purpose of a drain; but upon a survey being made by our principal engineer, it was found to have all the appearance of a fortification, and was therefore destroyed. This undoubtedly gave great umbrage to the court of France, and may be the reason why they insist on the present ditch; but for his own part, he could see no danger in it as it now stood. With respect to the free and independent trade given to the French in this Article, and which many gentlemen had raised difficulties upon, it not being specified how far it was to be extended, undoubtedly he looked upon it to be such as was carried on by the French during the last peace, and which being a transaction of so late a date, must be fresh in the memory of many gentlemen in Bengal, and the Company's records will clearly shew in what manner that trade was carried on, so that he thought no difficulty could arise from that part of the thirteenth Article.

Sir Henry said, that with regard to the fourteenth Article, he had no objection to Pondicherry and Karricall being restored to the French. As to the additional districts to be ceded to them, contiguous to those places, they did not belong to the Company, but to the native princes of India, the Nabob of Arcot, and the Rajah of Tanjore; that the cession of these places could not be of much importance, as the annual revenues of the two districts did not exceed 20,000*l.* and the House would please to observe, that his Britannic Majesty engaged to procure those two cessions, and there could not be any doubt that whenever his Majesty's ministers should call upon the Company to use their good offices with those two princes, that they would exert their best endeavours to prevail upon them to make those cessions, which, considering the present state of the Carnatic (the most considerable part of which is now in the actual possession of Hyder Aly), and this being the whole of the concession which was to be made in India, he hoped the House would not think it too much for procuring the great object of peace.

The fifteenth Article, observed sir Henry, restores to France Mahé and the Comptoir at Surat. He saw no objection whatever to the restorations, the former being a garrison in the territories of Hyder Ally, and where the East India Company have little connection; the latter, a mere trading house in the city of Surat, where we have the government, and it would always be in our power to watch over and controul any improper conduct in the servants of the French in that part of India.

With respect to the sixteenth Article,

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to which many members of the House had made a great objection, sir Henry said, he must confess that it wanted much explanation, observing, that he had not met with any two gentlemen who could agree in opinion on this Article, or who explained it in the same manner. The secret committee of the East-India Company, upon the first reading of it, did not hesitate one moment in determining that an explanation was absolutely necessary, and the committee having considered of the explanation, communicated their sentiments to a secret court of directors, who unanimously concurred with the committee in those sentiments. In consequence whereof, they communicated them to his Majesty's ministers, and he made no doubt that proper explanations would be attended to in the definitive treaty. With respect to the words, "ancient possessions," that matter must likewise be explained, and fixed to a certain period, as few of the princes in the decan can be said to have ancient possessions. The family of the nabob of the Carnatic is a new family in that government, and his dominions have been changing almost annually ever since he came into the possession of them. With regard to Hyder Aly, every one knew, that not many years since he was a common soldier, and that by an unusual share of military skill and abilities, he had raised himself to the head of a great empire; therefore, he can have no ancient possessions. For these reasons he did not hesitate to say, that a specific term ought to be named, which term should be immediately before the commencement of the war. His Majesty's ministers were in full possession of every explanation which the India Company thought necessary to be given, and which he had every reason to believe would meet with proper attention.

He then begged leave to say a word or two in answer to what had dropped from an hon. gentleman, "that many of the directors disapproved of the Articles." He could assure the House that the secret committee had been unanimous in all their proceedings, respecting this business, and that when they had occasion to take the advice of the court of directors, there were never more than one or two gentlemen who differed from the rest, and that on particular points only, and that upon the whole of the propositions, he could almost venture to say, they were unanimous. Sir Henry concluded with saying, that it would give him great pleasure to have all the proceedings of the court of directors and secret committee in this business laid before the House of Commons, and before a general court of proprietors at the East India House; and he made no doubt, that if ever a time should arrive when that could be done with propriety, those proceedings would meet with the fullest approbation of the public.

Mr. *Sheridan* made a very accurate reply to the Lord Advocate, and warmly touched upon the strokes the learned lord threw out on the conduct of Mr. Fox, and the share he had taken during the short time he was in administration to effectuate the great end of peace. He contended that the treaty on the table was of the most disgraceful nature, for it relinquished completely every thing that was glorious and great in this country. If there was a single article that had a view to the interests of the empire, if there was a single article that had not concession for its object, he would not contend that the peace was what almost every person pronounced it. The sixteenth Article was one of the most inconsistent political productions that could possibly be supposed: it was couched in such vague and loose terms, that it must have relation to the impending treaty with Holland. It was with the view of finding out the extent of that Article, and what reference it had to the treaty yet pending, and the political disposition it evidently had towards France, that the hon. gentleman made his motion on a former day, and which called forth the indignation of the Chancellor of the Exchequer as being inconsistent with the established usage of the House, unprecedented, and preposterous in the extreme. This convinced him, however, that the right hon. gentleman was more a practical politician than an experienced one; his years and his very early political exaltation, had not permitted him to look whether there had been precedents, or to acquire a knowledge of the Journals of the House. Had his youth permitted him to acquire such knowledge, his discretion would not have suffered his abilities, which Mr. Sheridan greatly admired, to be carried away by his heat and precipitancy; he would not with so much indignation have resented the asking questions, which it was the duty of ministers to satisfy. If he had consulted the Journals, he would have found incontes-

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tible evidence, to prove the groundless authority of his indignant assertions; he would have found that it was not unprecedented to lay a depending treaty before the House; nay, that before a single step had been taken to complete any of the points of it, it had been usual for parliament to be in possession of the principles upon which it was proposed a treaty should turn. Parliament was called upon to assist with its advice on the vast subject of national importance, which peace must naturally in all times be, as involving in it so much the general prosperity and happiness of Europe. Ministers in former days had not the ingenious modesty and handsome diffidence of those of the present; they, distrusting their own abilities on a matter of such infinite importance, were not ashamed to call in the assistance of parliament. They were not so eager to sport their responsibility; nor did they fear that the House would interfere to rob them of the glory of their negociations; nor did they, with the anxious solicitude of the present gentlemen, hide every iota of the progress of their negociation, either with a view of astonishing the world with the splendour of their pacific acquisitions, or to shew their contempt of the wisdom of parliament in the administration of their own transcendant abilities.

After having proceeded in this vein, he introduced, in support of the conduct of ministers, at the treaty of Aix la Chapelle, stated by the noble lord in the blue ribron, a precedent, extracted from the Journals of the House in queen Anne's reign, before the treaty of Utrecht, and which Mr. Sheridan read as part of his speech. It stated, that her majesty, notwithstanding it was the undoubted prerogative of her crown to make peace and war, nevertheless, anxious for the happiness of her people, and relying on the affection of her faithful Commons, had ordered to be laid before them, for their advice and approbation, the principles upon which she conceived a general pacification could be most effectually established for the glory of her crown, and the happiness of her people; at the same time informing them, that no step had been taken for the completion of the treaty, nor would there without their advice and approbation; thus he shewed, that it was not only precedented to lay the case of the negotiation before the House in its depending state, but the principles upon which the treaty was to take effect before the negotiation for it had ever been commenced. How unlike that was the conduct of the present minister, when the amendment of his noble friend was made, proposing to give time for the consideration of the Articles to which they were called upon in so very extraordinary a manner to give their approbation: they were told, they had had the Articles for three weeks before them, and had had ample time of course for information; at the same time that ministers had the hardiness to make use of such language, they seemed to forget the almost inquisitive exactness with which they shut out the members of that House from obtaining any knowledge of those circumstances, that could alone qualify them to decide with judgment, upon a treaty that either shewed Great Britain to be ruined beyond redemption, or that her interests and her glory had been sacrificed to views that were not immediately discernible.

The answer to every requisition for the production of any article that might lead to this necessary purpose, as was the case with his motion a few days before, Mr. Sheridan said, was in the language of indignation, that it was indecent, it was unprecedented, and preposterous in the extreme, for gentlemen to introduce any circumstance of enquiry before the day appointed for the discussion of the treaty; and yet on that day, right honourable persons in his eye had, with the peculiar modesty which so distinguished them, called on the House for their approbation of a treaty, which, it was argued with much indignation, it would be indecent in them to make any enquiries whatever into! But taking the pledge of their bashfulness and modest confidence in their own superior abilities as the criterion of its perfection, ministers required the House to be so preposterous as to give a vote of approbation to a treaty, that with the most anxious solicitude they were even prevented from so much as speaking on, until the time they had been so confidently called upon to give it their approbation. And the object of his late motion, he contended, was justly affirmed by an honourable commodore to be of very great magnitude: if Trincomalé was given up, our territories in India were in a most precarious situation; and he contended, that the House ought absolutely to know the extent of the sixteenth Article, and the situation of the negociation with Holland.



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He dissected the Article in the most humorous manner. To find the meaning of the different Aticles, grammatical order was to be inverted; for it was impossible to come to the meaning of them by adhering to the rules of grammar. He then went into the definition of a real British subject, mentioned in the fifth Article with America. The twenty-second Article with France might have as well run, to prevent all disputes that had hitherto arisen, as all disputes that may hereafter arise, and grounds enough were left for them. Seeds of disunion and future broils were sown in the inconsistency of a treaty, of which the poorest political dabbler well might be ashamed. The hon. gentleman drew a very affecting picture of his Majesty's loyal subjects in East Florida, consigned to a government and to a religion they detested. Independent of the impolicy of ceding that province, (and he was not inclined to call the validity of the peace in question, for it was his determination, and that of his friends, to support the national faith) he execrated the treatment of those unfortunate men, who, without the least notice taken of their civil and religious rights, were handed over as subjects to a power that would not fail to take vengeance on them for their zeal and attachment to the religion and government of this country. This was an instance of British degradation, not inferior to the unmanly petitions of government to Congress for the wretched loyalists. Great Britain at the feet of Congress suing in vain, was not a humiliation or a stigma greater than the infamy of consigning over the loyal inhabitants of Florida, as we had done, without any conditions whatsoever. To the honour of France and Spain, in their most distressful circumstances, in all their cessions, as in Canada, &c. they provided by treaty for the civil and religious rights of their quondam subjects. Mr. Sheridan then read the addresses of the inhabitants of Florida to the governor some short time back, breathing in the most animated style, attachment and loyalty to the religion and government of this country, and detestation of the conduct of his Majesty's rebellious subjects in the other colonies. He took a view of the fur trade, the boundaries of Canada, &c. and was apprehensive the great solicitude shewn by administration to conciliate the affections of America, as it had been termed, would be a means, in the marking of the boundaries, of creating future dissentions. He went at length into the different interests acquired by the Americans and French, and those left to us on the coast of Newfoundland. The logwood trade, of such vast consequence, left in a state amounting almost to non-entity, employed much of his animadversions.

The Article of Dunkirk was also to be considered, supposing it even not to be of that importance it formerly was, and of which it might hereafter become to posterity, as strongly accumulating and filling the measure of our disgraces; that what had been for more than a century, the pride of our ancestors to enforce, we should so rashly concede, particularly when we were not in a situation, considering our navy, (notwithstanding the learned lord's representation) and the relative resources of our enemies, (for it was observed by an hon. commodore, that the criterion of a nation's resources was her credit, and the rule of that credit, the interest she paid, and according to the hon. commodore, Spain paid most enormous interest, and France was much in the same situation;) considering then those relative circumstances, and the naval situation of Holland, he contended, that so far from being reduced to bear such degrading, such indelible stigmas and impositions, we were entitled to an honourable peace.

The victory of lord Rodney, the defeat of the enemy at Gibraltar, our successes in the East Indies, were also enumerated to prove, that our situation was respectable, that if we were reduced in resources, our enemies had not increased theirs, but were at least equally exhausted. He could not avoid remarking the artful attempt of the right hon. secretary, to put the first amendment, and the second of the noble lord in the blue ribbon on the same event. He took notice of Mr. T. Pitt's description of the loyalists, the real loyalists, and the viper loyalists: and yet though the hon. gentleman, in the peculiar stile of eloquence which so much distinguished him, was very warm in discriminating those characters of the loyalists, and pledged his feelings to give every assistance to the real loyalists, yet in his address proposed to the throne, the vipers were equally recommended to the royal protection, and the House was equally to be bound for them as for the real loyalists. The hon. gentleman was pointed in reply to the lord advocate, on his hints thrown



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out on Mr. Fox's administration, of peace being in the pocket of certain members of a late administration, &c. Mr. Sheridan said, that he had known his hon. friend's disposition when he came into power, and had the honour of acting with him; and he pledged himself, that, though peace was ardently to be desired, though at any time peace was to be preferred, yet knowing, as he did, the relative circumstances of the powers, he never would have acceded to so dishonourable a peace; and for his own part, he did equally pledge himself, that if his hon. friend was of such a disposition, and during his administration had brought such a peace to a conclusion, notwithstanding his friendship and esteem for him, he, as an individual, would have opposed it. It was impossible for language to describe his reprobation of it, or what he felt for the national disgrace. But, he said, the true criterion by which his hon. friend's intentions could be judged was his correspondence while in office, and he dared ministers to move for its being laid before the House. [Here a great cry of "move, move."] He then made some remarks on the coalition of the parties the learned lord had alluded to, and the honey-moon of their loves, which Mr. Sheridan said, if it was the case that there was a coalition, was rather to be called the wedding day. Mr. Sheridan then attacked the learned lord on his inconsistency, in having declared he would support no man whose measures he did not approve. He asked the learned lord, if it was consistency then in him to support the patron of equal representation, to which Mr. Sheridan professed himself a warm friend. Was it consistency to support the independence of America, of which he had ever been so determined an enemy? He put to the advocate some other questions; and remarked, that there was such a versatility in the politics of some men, that when interest called, every other consideration gave way; and if that was not the case, it was hard to suppose how the learned lord's adoration and high-sounding panegyrics of the noble lord in the blue ribbon, with which the walls of that House were wont to resound, should now be transferred to those connections which had been heretofore so obnoxious to him. He was very severe on the Lord Advocate for his early desertion, and his unfairness of using, in his peculiar situation, recrimination, which at all events could never be allowed as argument.

Mr. *Bankes* supported the motion for the Address, and argued, that in circumstances so calamitous and gloomy as those of the British empire on the present occasion, the peace which ministers had concluded, was in his opinion not only good, but highly favourable, and such as we had no reason to expect.

Sir *W. Dolben* begged the House to advert to the consideration of the important question which he had before stated: Whether the King's ministers were authorised by the prerogative of the crown, to alienate from the state the American colonies? He averred, that prerogative did not extend so far; it gave no power to alienate territories not acquired by conquest during the war; at least, this was his most serious opinion. Then, if it did not rest in prerogative, he contended that the Act of last session gave ministers no authority adequate to so important a measure. He wished to have the opinion of the gentlemen of the gown; and he called upon them to give the House information on this most important point. He freely owned that he was adverse to the terms of the peace; he thought them highly injurious to the interest of the country, and infinitely worse than we had any title to expect.

Mr. *Mansfield* said, that he did not consider himself qualified to rise and pronounce a hasty opinion; the question proposed by the hon. baronet was indeed of the greatest importance, and it would not be prudent in any man to hazard a light opinion. The prerogative of the crown was allowed to go great, and indeed undefined lengths, as the circumstances of the state might require that measures should be taken for which there was neither precedent nor authority. In all such instances, however, the House would recollect, that responsibility was placed in ministers, and they were bound to shew, whenever they ventured on any extraordinary extension of the prerogative, that there was absolute necessity for such conduct. This he understood to be the doctrine of the constitution. But with respect to the present question; whether the King's ministers were authorised by the Act of last session to alienate for ever the independence of America? he was free to acknowledge, that he thought the Act gave them sufficient powers. It was clearly determined thereby, that it was the sense of parliament, and ministers were bound to act up to what they understood to be the sense of

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the legislature: and though the Bill was not stated to be, in so many direct words, a Bill for granting independence to America; yet the provisions of the Act amounted exactly to the same thing; and he believed this was the design for which the Bill was introduced.

Sir *F. Basset* supported the amendment, and argued with energy against the peace which had been formed.

Mr. *James Grenville* contended with equal warmth, that the peace was such as we might reasonably expect in circumstances of unparalleled dejection. He entered at length into the situation of the country, in a comparison with that of our adversaries, and insisted that we had no right in fairness to complain of the conditions which our ministers had procured.

Mr. *Fox* then rose and took up the consideration of the important subject, at great length. His situation, he said, on that day, was peculiarly delicate. He was supposed to be actuated by motives of personal pique, and suspected of setting up an opposition to the Articles of the peace on grounds of envy, of jealousy, and of ambition. Those who knew him best would not impute to him such motives; and for the opinion of those who believed every calumny that was propagated against him, he had but little concern. This, however, was not the only delicacy of his situation. Allusions were made to former opinions which he had given, and assertions he had made in circumstances different from the present, and to which indeed they bore not the smallest affinity. It was proclaimed, as an unanswerable argument against every thing he could say, "did you not some months ago declare that almost any peace would be good, would be desirable, and that we must have peace on any terms." If, said Mr. Fox, I could suffer myself for a moment to be so far led away by conceit, and to fancy myself a man of so much importance as to excite the jealousy of the minister, I might give ear to the reports of the day, that every measure which the minister adopted, every plan which he formed, every opinion which he took, and indeed every act of his administration, was calculated and designed to embarrass me. How well might I ascribe the present peace to this motive! You call for peace, says the noble person, you urge the necessity of peace, you insist on peace; then peace you shall have, but such a peace, that you shall sicken at its very name. You call for peace, and I will give you a peace that shall make you repent the longest day you live, that ever you breathed a wish for peace. I will give you a peace which shall make you and all men wish that the war had been continued, a peace more calamitous, more dreadful, more ruinous than war could possibly be: and the effects of which neither the strength, the credit, nor the commerce of the nation shall be able to support. If this was the intention of the noble person, he had succeeded to a miracle. His work had completely answered his puspose; for never did I more sincerely feel, nor more sincerely lament any advice I ever gave in my life, than the advice of getting rid of the disastrous war in which the nation was involved. That the minister might have other views was very probable. That he might think his situation depended upon peace; that he might think there was no other way of maintaining a disjointed system, and fixing himself in a seat, not gained by the purest means, nor supported by the firmest bottom, was very possible; and it was also very possible that in his eager pursuit of this object, he has overshot the mark, and neglected to take the steps which could alone secure the end.

But it was objected to him by the learned Lord Advocate, that he who had talked of having a peace in his pocket, and who had been so confident in his declarations that peace might certainly be obtained, ought to shew that the peace which he projected was better than that which was procured. In answer to this he would inform the learned lord, that he had never said that he had a peace in his pocket. He had averred in his place in that House, that there were persons in this country, empowered by the Congress to treat of peace with America. The fact was so: they had made application to noble persons, friends of his, to the duke of Richmond, to lord Keppel, and to lord John Cavendish. They had authorised him to mention the fact in his place in that House; and it turned out, as he had declared, that there were persons properly authorised, and anxious to treat of peace. The learned lord called upon him to produce the peace which he had projected. This was a very loud and sounding word; but the learned lord not being a cabinet minister, was at liberty to hazard bold things, which, if he was a cabinet minister, he was pretty sure he would not do. Will any one of the King's ministers, said Mr. Fox,

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give me the same challenge? Will they call upon me to produce the peace? I dare them to do it. I challenge them to do it. They know what it is; they have it in the office. If it is against me, let them take the advantage of it, and hold me up as a man capable of advising my sovereign to make a worse peace, if possible, than the present.

I now come, said Mr. Fox, to take notice of the most heinous charge of all. I am accused of having formed a junction with a noble person, whose principles I have been in the habit of opposing for the last seven years of my life. I do not think it at all incumbent upon me to make any answer to this charge: first, because I do not think that the persons, who have asked the question, have any right to make the enquiry; and secondly, because if any such junction was formed, I see no ground for arraignment in the matter. That any such alliance has taken place, I can by no means aver. That I shall have the honour of concurring with the noble lord in the blue ribbon on the present question is very certain; and if men of honour can meet on points of general national concern, I see no reason for calling such a meeting an unnatural junction. It is neither wise nor noble to keep up animosities for ever. It is neither just nor candid to keep up animosity when the cause of it is no more. It is not my nature to bear malice, or to live in ill will. My friendships are perpetual, my enmities are not so. "Amicitiæ sempiternæ, inimicitiæ placabiles." I disdain to keep alive in my bosom the enmities which I may bear to men, when the cause of those enmities is no more.

When a man ceases to be what he was, when the opinions which made him obnoxious are changed, he then is no more my enemy, but my friend. The American war was the cause of the enmity between the noble lord and myself. The American war, and the American question, is at an end. The noble lord has profited from fatal experience. While that system was maintained, nothing could be more asunder than the noble lord and myself. But it is now no more; and it is therefore wise and candid to put an end also to the ill will, the animosity, the rancour, and the feuds which it occasioned. I am free to acknowledge, that when I was the friend of the noble lord in the blue ribbon, I found him open and sincere; when the enemy, I found him honourable and manly. I never had reason to say of the noble lord in the blue ribbon, that he practised any of those little subterfuges, tricks, and stratagems which I found in others; any of those behind-hand and paltry manœuvres which destroy confidence between human beings, and which degrade the character of the statesman and the man.

So much, he said, for the charge which had been made by the learned lord. He should have thought it more prudent in that learned person, before he had been so lavishing of his charges, to recollect the place from which he spoke; and that he who was so warmly the friend of the noble lord in the blue ribbon, and what was worse, of the system he had pursued, was now as warmly the friend of a system very different, and not less obnoxious. But the learned lord informed the House, that he would always support government, provided he approved of their principles. This he believed to be literally the case; and that he might always support government, he had no doubt but the learned lord would take care constantly to approve of their principles, whatever they might be, or whoever were the ministers.

It was also imputed to him, that he had when in office lowered this country before the States of Holland in a very unbecoming manner, and that then there appeared none of those proud thoughts, nor that high expectation which he now expressed. He had no desire, he said, to conceal what he had done with regard to the Dutch; nor if he had such a desire, would it be possible for him to gratify it. The letter which he had written was public, and all the world knew what had been his sentiments; he was therefore ready to acknowledge, that as the Dutch were undoubtedly plunged into this war without a cause, it was his idea that we ought to make them liberal offers of peace. Such offers were made: but they not only rejected them, but made such haughty demands that the policy of the thing was changed; and he and his friends no longer thought them entitled to that favour and friendship which had been honestly proffered. They saw us hampered with many enemies, and seemed desirous of taking advantage of our situation, to procure terms from us, to which they were not entitled. Then they conceived that the States ought to suffer for their want of friendship; and that as we had been great losers by the war, we ought to look for recompence in

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the possession of Trincomale, and other objects.

This was clearly his idea still; and if it was true, as it was rumoured, that the claim was to be abandoned, he should think nothing was wanting to make the present the most disastrous and disgraceful peace, without exception, that ever this country had made at any time. They talked of our present circumstances, and referred to his language on a former occasion. Were our circumstances the same now that they were in the month of March last? Would any man of common sense and common honesty say, they were the same or similar? He averred, that that which would have been desirable then, was not good now. Our state was mended; our navy much increased; while that of the enemy was diminished. Our force in the West Indies was greatly superior to theirs. The American war, the millstone which hung about our necks, was gone; we had victories of the most brilliant kind; the nation had just emerged from its dejection; had just recovered its high tone of thinking and acting: every prospect was rich, and yet, just in this moment of fair expectation and honest hope, we are damned at once with a peace, which, perhaps, we shall never be able to recover.

The hon. gentleman now went into an examination of the several leading articles of the peace. The whole was done, he said, upon the principle of concession. It was every where concession. If he wished to look for reciprocal advantages, no such thing was to be found. He said, he would not follow the course of many of his friends, in going over minutely the ground of the various cessions which had been made; but he declared upon his honour, that the terms were obnoxious in the extreme; and he pointed out a variety of the most exceptionable passages, and laid his finger on the points which above others were ruinous and fatal to our commerce. He concluded with declaring his warm approbation of the amendment of his noble friend.

Mr. Chancellor *Pitt* spoke in answer to the various arguments that had been adduced against the Address. He was pointedly severe on the gentlemen who had spoken against the address, and particularly on Mr. Sheridan. No man admired more than he did the abilities of that hon. gentleman, the elegant sallies of his thought, the gay effusions of his fancy, his dramatic turns, and his epigrammatic points; and if they were reserved for the proper stage, they would no doubt receive what the hon. gentleman's abilities always did receive, the plaudits of the audience; and it would be his fortune "sui plausu gaudere theatri." But this was not the proper scene for the exhibition of these elegancies; and he therefore must beg leave to call the attention of the House to the serious consideration of the very important question then before them. The clamours excited against the peace were loud in proportion to their injustice; and it was generally the case, that where men complained without cause, they complained without temper. It was necessary to look back, notwithstanding all that the hon. gentlemen on the other side had said, to the language and the sentiments of that House on this very subject. Had they forgot the resolutions of last session, by which ministers were bound to recognize the independence of America? Had they considered, that that resolution, in which he for one most heartily concurred, took at the same time from ministers their vantage ground in negociation, and deprived them of the opportunity of proposing independence as a boon to be conceded, as a matter to be offered as the price, or as the basis of peace? Had they forgot the application made by the right hon. gentleman over the way to the Dutch, an application couched in terms, to his feeling, more degrading than any concession in the present peace? Had they forgot the language of that day, when we were told, that we must have peace on any terms; peace for a year, for a day, just to give us a little breathing time? Were not these things to be remembered? or were they to be told, that times and circumstances were so completely changed, that what would have been desirable then, would not be so now? Were the circumstances so materially changed? Yes, they were; for these opinions were given, and these assertions made, when the right hon. gentleman was in office, and when the task of making peace was likely to fall on his own head. This was the change; this was the material alteration of circumstances which had taken place, and which now called for different conditions. The right hon. gentleman was no longer in place; he was no longer responsible for the terms, and therefore the circumstances were changed.—But to shew that there was no other change of circumstances, he went into a detail of the relative situation of the bel-

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ligerent powers—their strength, their resources, their wants, their objects, and their prospects, deducing from it the inference, that it was absolutely and indispensibly necessary for this country to have peace; and that under all the circumstances of the nation at the time, the terms which we had procured were fair and advantageous. That he might shew this to be the case, he examined the articles, and spoke particularly to the points which had been complained of: the boundaries of Canada, the fishery of Newfoundland, the cession of the Floridas, the abandonment of the loyalists, and the other topics which had engaged the attention of the House. He concluded with recommending temper and moderation, and spurning at all unseasonable and invidious schemes of opposition, in a moment so calamitous and alarming to the state. The unnatural alliance which it was reported had taken place, was undoubtedly to be reckoned among the wonders of the age. It was not easy to reduce such an event to any common rule of judging of men; it stretched to a point of political apostacy, which not only astonished so young a man as he was, but apparently astonished and confounded the most veteran observers of the human heart. He was excessively severe on this junction, and spoke in most pointed terms of reproach.

Mr. *Sheridan* then rose to an explanation, which having made, he took notice of that particular sort of personality which the right hon. gentleman had thought proper to introduce. He need not comment on it—the propriety, the taste, the gentlemanly point of it must have been obvious to the House. But, said Mr. Sheridan, let me assure the right hon. gentleman, that I do now, and will at any time when he chooses to repeat this sort of allusion, meet it with the most sincere good humour. Nay, I will say more—flattered and encouraged by the right hon. gentleman's panegyric on my talents, if ever I again engage in the compositions he alludes to, I may be tempted to an act of presumption, to attempt an improvement on one of Ben Jonson's best characters—the character of the Angry Boy in the Alchymist.

Mr. *Lee* spoke with great earnestness against the terms of the peace, and declared upon his honour that in his mind they beggared all the treaties that ever had existence, in infamy and disgrace. With respect to the cession of territory, it was great and extensive in every quarter of the world. Europe, Asia, Africa, and America, beheld the dismemberment and diminution of the British empire. But this, alarming and calamitous as it was, was nothing when put in competition with another of the crimes of the present peace—the cession of men into the hands of their enemies, and delivering over to confiscation, tyranny, resentment, and oppression, the unhappy men who trusted to our fair promises and deceitful words. This was the great ground of his objection; and he called it a disgraceful, wicked, and treacherous peace; inadequate to its object, and such as no man could vote to be honourable without delivering his character over to damnation for ever. The learned gentleman then adverted to what had been said of a junction between the noble lord in the blue ribbon and his hon. friend. Of such a junction he knew nothing; he would only say that if it had taken place, if they had done more than met on this question, he saw no harm, and no ground for charge. He had not been in that House while the noble lord was pursuing his system for the reduction of America; but he believed that all who knew him, knew that he reprobated that system, that he abhorred and condemned it as much as any man in the kingdom; but was this a reason for him to be the enemy of the noble lord? or to confound the man with the minister? Undoubtedly not. He always respected the private character of the noble lord. He believed him to be honest and manly in his dealings, that his thoughts were upright, and his hands were clean; and we had the best proof, that this was the case; for if his character had not been pure indeed, we should not have seen the noble lord attended by so many friends when out of office. He had observed his conduct narrowly, and he had seen none of that shuffling left-handed dealing, which made him the determined enemy of another noble person. When he was to decide which of the two men to prefer, the noble lord, or the earl of Shelburne, he could not hesitate for one moment; because he could not hesitate for one instant to prefer openness to concealment, and honesty to artifice. He spoke in most severe terms of the minister, and reprobated in the warmest terms the whole of his system. He had gained his situation by means not only mean but dishonest. He had shewn as little faith

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to his colleagues, as he had gratitude to the men who brought him into office; and all his dealings were marked with low cunning and jesuitical hypocrisy,

Lord *F. Campbell* took fire at what Mr. Lee had said, that every man who voted for the present peace would be damned in his character; and declared he came down to the House unbiassed, that he meant to vote honestly and fairly, for the Address; but he would not bear to hear his character questioned for such conduct.

The *Attorney General* rose also extremely warm, and said, he did not understand such swaggering language. His character was as fair as his learned friend's, and who should dare to say, that he damned his character by voting for the Address? He charged the learned gentleman with having used very improper language with respect to the minister.

*Mr. Lee* explained his meaning, and recalled the express words which he had used to the memory of the House: he had not said that those men who merely approved of the peace would suffer in character; but that those men who should vote it to be honourable, would be damned in reputation, and this he contended was fair parliamentary language.

Mr. *Rigby* rose to still the troubled waters, and with a happy exercise of pleasantry, said, he desired to apologize for Mr. Lee as a young member, for the unguarded manner in which he had delivered his opinion. He called back the House to the real questions before them, and termed the conjoined amendment an innocent lukewarm performance, and assigned his reasons for voting for the Address, as originally moved.

Mr. *Adam* gave his reasons for voting for the amendment.

At half past seven in the morning the House divided on the question, That the words proposed to be left out, stand part of the question:

Tellers,

| | | |
|---|---|---|
| Yeas | Lord Mahon - - - - | 208 |
| | Mr. Bankes - - - - | |
| Noes | Lord Maitland - - - | 224 |
| | Mr. Byng - - - - - | |

Ministers were thus in a minority of 16.

Feb. 19. Lord Newhaven was giving notice of some motion he intended to move, for to-morrow or next day, when he was informed that both days were engaged for the purpose of hearing counsel on the Bill against sir Thomas Rumbold.

Mr. *Fox* said he did not clearly understand this sort of management of business. He did not wish to give any opposition to the further proceedings in the affair of sir T. Rumbold, but after the Address, which that House had, so much to its honour, voted on Tuesday morning, every gentleman must see it was highly necessary that the House should as early as possible put itself into such a situation as to enable gentlemen to take the treaties of peace into their most serious consideration, and come to some resolution on the subject of their contents. It was indifferent to him, whether they did so on Thursday or Friday, but, undoubtedly, one of the days ought to be that on which the House should proceed to fulfil their promise to the throne. Mr. Fox threw out some allusions to the notice given by Mr. Pitt, before the holidays, of his intending to bring forward his motion, respecting a reform of parliament. That motion, he said, every gentleman must feel, was of a very serious and important nature; he therefore, for one, could not see the necessity of postponing it from time to time, on the plea, that matters of a political tendency called for an earlier attention. The politics of this method of delay, or the use of it, he was equally at a loss to divine; but sure he was, it had an extraordinary appearance, and did not carry with it a sufficient excuse. It had a very suspicious aspect, and seemed as if ministers were more inclined to hold out this as a promise to the public, by which they might get some credit for honourable intentions, than to come to any decision upon it.

Mr. Chancellor *Pitt* rose to declare, that he was glad to hear an early day was to be taken for proceeding upon the Address, which that House had, (as it was stated) so much to their honour, voted on Tuesday morning. He had, he said, been anxious to know what the mode of proceeding would be which the hon. gentleman opposite meant to pursue in consequence of carrying the amendment. Undoubtedly, in a matter of so much importance, he believed the usage of parliament rendered it necessary that notice should be given of the day on which it would be proceeded upon; be the steps to be taken what they might, the House might rest assured he would never shrink from any enquiry the House might please to institute. If, therefore, any papers



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were to be called for, to elucidate the investigation intended, if it were not too much to ask for it, he should be glad they might be moved as soon as possible. With regard to the motion for a parliamentary reform, of which he had given notice, and with a design of delaying which, for political purposes, a charge had just been insinuated against him, he knew of no such motives, but in the most direct and express terms he disclaimed them. The reasons that had occasioned him to delay bringing that motion forward were twofold; the one, that matters of a temporary and most seriously important nature, had, as the House had seen, lately pressed upon the attention of parliament and upon ministers; the other, that he wished, when he did come forward with that motion, to come prepared with all the information that he could obtain. Of late, he made no scruple to confess, he had not had much leisure to instruct himself farther upon the subject, than he had been instructed last session. These, and these only, were the motives that had influenced him to postpone it hitherto; he disclaimed all others, and knew nothing of the politics of the delay, as the hon. gentleman had been pleased to phrase it; but he did assure that hon. gentleman and the House that when he thought himself ripe enough, and the House ready to receive the motion, he would bring it forward.

Lord *John Cavendish* said, with regard to the day of proceeding upon the treaties, it was perfectly indifferent to him what day. Let ministers chuse their own day, and that should be his. An early day must, however, be taken, and the consideration must be seriously gone into, when such parts as called for condemnation, in all probability, would receive it. He took occasion to complain, that a contemptible publication, by stating the division of Monday last, with the words "For the Peace" and "Against the Peace," opposite to the numbers of Ayes and Noes, had misled the public, and given rise to an idea without doors, that he had moved a thing that might unsettle and disturb the peace. Gentlemen knew that the reverse was the fact, and that his argument and his motion both went to declare, that the House would inviolably adhere to the pledge of public faith.

Mr. Secretary *Townshend* said, as long as he felt himself supported and his public conduct approved by such a set of respectable and independent gentlemen as had stood forward on Monday, and voted with him, he was perfectly indifferent what other combination of parties, what new junction of bodies of men opposed him. It was by that worthy description of characters, the country gentlemen, that he wished his conduct to be judged; by men connected with no party! Men who followed the "whistling of no name;" men who had sense and spirit to judge for themselves, and did not pin their faith on the sleeves of others: to such men's decisions he ever should bow with reverence, and their support he ever should consider as his highest honour. If he must fall, if he must be condemned, let such men try his cause, and he was sure he should obtain justice. He was ready to meet any motion the gentlemen opposite intended to make, and the sooner they brought it forward the better.

Mr. *Fox* declared he was perfectly astonished at his hon. friend's language. It was the first time he had ever heard a gentleman's conduct was less praise-worthy, because that gentleman acted in concert with others. This doctrine was not only new to him, but a little the more extraordinary considering from whom it came. Had his hon. friend forgot for how many years they had acted together with a large party connected upon public principle? Had he totally lost the recollection how often they had in that House fought, and how often they had conquered, when acting in concert? Had he always entertained the same sentiments as those he had just delivered? Did he think his conduct formerly less honourable than he conceived his conduct of late to have been? Had the many years they had acted together in concert proved the least comfortable of his life? Did he feel himself more happy and more easy where he now sat? Or, what was infinitely of higher importance, did he imagine his country derived more advantages from his services in his present situation, than they had reaped from his former parliamentary conduct? These were questions, that naturally occurred to his mind; to say nothing of the vulgar and invidious stile of argument, to which his hon. friend had adverted; an evident proof to him, that when men had been baffled on one important point, they would have recourse to any pretext, to comfort and save themselves from shame. But if it were necessary to follow the example, it would be easy for him to prove that the Address the House

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had voted, had been supported by as many gentlemen of the description just mentioned, as had voted the other way; he disdained however all such vulgar and invidious distinctions, and was free to own, there were on the other side the House many gentlemen of the highest respectability, whose characters he admired, and whose friendship he had thought it an honour to cultivate, but who nevertheless differed extremely from him upon political subjects. Let gentlemen exercise the freedom of their minds; let them judge for themselves; he desired only to be tried by his public conduct, but he never would admit that any man's voting with a body united upon principle, was a matter of reproach.

Mr. *D. Hartley* rose to state some reasons for adjourning the call, but the House being impatient to be called over, and Mr. Rolle declaring, he would divide the House upon the question, if any motion was made to adjourn it, Mr. Hartley concluded with moving, "that the House be now called over."

Lord *North* said, he thought the subject of equal representation, which a right hon. gentleman had declared he should bring forward shortly was an ample reason, for adjourning the call: and he the rather proposed it, as he understood a new call must wait for six weeks, before it could be made, so much notice being required to be given by the rules of the House. His lordship pressed that the motion for an equal representation might be made as soon as possible, for the sake of its being made in a full House; at the same time he meant not to hurry the hon. gentleman; as the motion was to shake the constitution, and to unhinge it, too much preparation could not be taken previous to the proposition to parliament to adopt a measure of such infinite magnitude. He wished, therefore the hon. gentleman to mature himself upon the subject as much as possible, and thought it fair to say, that there was not in that House a more determined enemy to the idea than he was; he was for no alteration whatever; this ever had, and he believed ever would remain his fixed and unalterable opinion. From the importance of the subject, however, he wished it to come on in a full House, and as the nearer to Easter the motion was made, it would be more likely to be made in a thin House, he hoped it would be made early; and as the suspending of a call was thought to secure a full attendance, he felt that to be a strong argument for adjourning the call then, instead of calling over the House that day.

Mr. *Fox* said, he was about to commit again the high and enormous crime of voting with the noble lord in the blue ribbon, because he thought the fuller the House, when the subject alluded to was brought forward, the better. When that day came, it would then be found, that no two men could differ more on one and the same measure than he and the noble lord should. The noble lord had assured the House, that he was the determined enemy of the motion intended; the House would find him as firmly its determined friend. Mr. Fox paid Mr. Pitt some high compliments on the very able manner in which he had opened the subject, when he had made his motion last session; and said, his manner of treating the subject then had not only excited the admiration of the whole House, but convinced them that he had made himself so completely master of it, that he was persuaded, the House would agree with him, that no pains could add to his information upon it. Mr. Fox urged the necessity of having a full House when the day for making the motion in question should arrive; and therefore thought, under that peculiar circumstance, the adjournment of the call necessary.

Mr. Chancellor *Pitt* politely acknowledged Mr. Fox's civility, but desired to be understood rightly; he had never pledged himself to move for an equal representation, as the noble lord had suggested. What he had pledged himself to bring forward was a motion on the subject of parliamentary reform.

A loud expression of the word, "Call, call!" came from all parts of the House. Mr. Burke, however, rose, and made a short speech, in which he greatly complimented the country gentlemen, into whose hands he said, he had endeavoured, by a bill he had drawn, and introduced some years ago, to throw the government of the country. Mr. Byng and some others mentioning that the call had been last adjourned, upon a solemn promise that it should be enforced on this day, the House agreed to enforce it then, and proceeded to call the names immediately.

*Debate in the Commons on Lord John Cavendish's Resolutions of Censure on the Terms of the Peace.*] Feb. 21. Lord *John Cavendish* called the attention of



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the House to a farther proceeding on the Preliminary Articles, and which his lordship would not have done, had it not been for the reports industriously propagated, with what views, or by whom, the noble lord would not take upon himself to determine, that the persons who had proposed and voted for the amendment on Monday last were not friends to peace; and that their intention was to shake or annul that which had been done by virtue of the King's prerogative. The noble lord disclaimed every idea of such a nature; he had not a single thought bordering upon such an intention; it was firmly his desire, his wish, and his determination; and equally was it that of those with whom he had the honour of acting on all occasions, as well as those other persons, he believed, who had voted with him on this occasion; that however inconsistent they might consider the peace, with what this country had a right to expect from her own situation, and the relative circumstances of her enemies, yet as the public faith was pledged, sacred and inviolate ought it to be preserved. He disclaimed any unworthy views; and such were attached to the idea that had been sent abroad, that struggling for power, the parties who had voted for the amendment had condemned, and were resolved to invalidate the peace, merely to answer the purposes of private consideration: but if the ideas of the persons who had spoken in favour of the amendment had been properly understood, and had been so conveyed abroad, men would have found, that what had been said by the supporters of that amendment, was, that let the peace be ever so inconsistent, be it ever so contrary to the interests, and ever so degrading to the political consequence of the state, yet as the faith of the nation was pledged to its observance, every iota of it ought to be strictly maintained. The noble lord said, that he was of opinion very strongly, notwithstanding such was his intention of not interfering with the undoubted prerogative of the crown, of making peace and war, that the peace was not such a peace as we were entitled to. We were, by the formidable and truly respectable state of our navy—by the circumstances of the great and decided superiority acquired by lord Rodney's glorious victory in the West Indies—by the equally glorious defeat of the tremendous attack upon Gibraltar—by our superiority in the East Indies, which, the noble lord would take upon him to say, we enjoyed to a degree which entitled us to conquests—and by our resources, and many other considerations, entitled to a peace more honourable, more advantageous, and better calculated to preserve the political and commercial consequence of this country. Peace was, undoubtedly, a desirable, a most desirable object; the necessities of the state called for it; our trade, our manufactures, every motive cried aloud for it, to soothe the calamities, and heal the wounds, of an expensive and unfortunate war. The noble lord held that doctrine, was convinced of the propriety, and would act up to the principle of it, as nearly as any man: but though he admitted all this, yet these were not considerations sufficient to urge ministers, on whom the noble lord did not mean any criminal censure should be heaped, to accept of peace on terms so degrading and disgraceful as those in the treaties on the table. Though greatly and ardently were the blessings of peace to be desired, yet the sacrifices made to obtain it were infinitely beyond the necessities that required it. And the noble lord was well aware, that it would be urged, that the resources of this country were greatly impaired; we were loaded with incumbrances; our finances were nearly exhausted. Undoubtedly, the noble lord would readily admit the truth of every one of those assertions; he would confess our affairs were much deranged, and that our resources were very much exhausted: but though he would allow this, were we not also to look at the relative state of our enemies? Were we to confine ourselves alone to the sad enquiry into our own decayed finance? Were we continually to brood over our own misfortunes, losses, debts, and disgraces, and be sadly contemplating the melancholy picture of our distresses, which some gentlemen had so pathetically drawn, without taking a relative and comparative view of the state of our enemies? They were absolutely, the noble lord would contend, as defective in finance as we; nay, more, it was a question if they could find resources for another campaign: Spain exhausted her territory by the unsuccessful attack on Gibraltar, which reflected such lustre on our arms, as to raise our consequence in Europe, and to give confidence to our forces, and vigour and energy to their operations. Exhausted, most undoubtedly, she was; and conse-

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quently she was not in a situation to qualify her to demand the concessions that had been made to her, or to urge our ministers to gratify her in her exorbitant requisitions. America was so circumstanced, that the idea of her subjugation given up, we had nothing to fear from her. It was not in the power of America to wound us, if that destructive idea had been thrown aside. We were invulnerable to America, unless we contended with her on the continent of America. What necessity, therefore, as that idea had been long since given up by the vote of the House, and the Bill enabling his Majesty to grant, or rather to recognize an independence she was not long virtually possessed of, to make any concessions to America, the one of the belligerent powers who was least qualified to act offensively against us?—As to Holland, the noble lord made a few short remarks, stating only at large, as the Articles relating to her were not yet before the House, that situated as she was, very much was not to be sacrificed by us. And as to the resources of the marine and finance of France, the noble lord would contend, that in point of finance and resources for active war, she was equally, if not more decayed than we were. He begged them to reflect upon that naval superiority in the West Indies which he before mentioned to have been acquired by lord Rodney's victory; that glorious victory left us in possession of a decided superiority in that part of the world. Admiral Pigot had under his command a fleet of forty ships of the line, with every requisite of frigates, &c. and to complete that superiority, the noble lord said, on the event of giving up the impracticable idea of continental conquests in America, those forces employed for that purpose, co-operating with such a fleet, gave us superiority indeed; the relief of Gibraltar, effected as it had been, in the sight of our combined enemies, was to be considered as a great and brilliant object; and it was productive of many advantages—it gave us consequence in the eyes of Europe, it defeated the ambition of Spain, it degraded our enemy in the estimation of men, and it left our coasts, by the return of the fleet that had performed that service, defended from the insults of our enemies. All these circumstances united, gave the noble lord reason to think, that to speak mildly, the peace had been at least rather concluded in a hurry; and that, in order to be possessed of the blessings of it, concessions had been made, that in the moment of cool reflection, would not have been, as he imagined, reconciled to the opinions of some persons who had the honour of directing his Majesty's government. He was far, therefore, from attaching criminal censure to the persons directing the negociations of this peace, though it had been insinuated, that ideas of continuing in power, might have operated to influence the determinations of some persons of his Majesty's councils, to complete the event which was the subject of their animadversions. The noble lord, however, had so high an opinion of other men in his Majesty's councils, his hon. friend in particular (Mr. Townshend), that he could not bring himself to believe that any thing had been done under the direction of his hon. friend, with a view to any other purposes than what he might have considered really and essentially necessary at the moment. At the same time that he could not avoid remarking, that he in all probability had conceded the direction of his opinion to the liberality of a noble earl high in office, with whom the Secretary acted; and that the objects which, in the opinion of more narrow minded persons, were considered of magnitude, were thought of by him as mere trifles, for in the great scheme of the noble earl's liberality they had been overlooked. When the amendment, which had been proposed on Monday last, had been adopted, he had it in contemplation to ask for papers, on which he intended to move an enquiry; but on reconsideration, as no criminal proceeding was intended against the ministers, as he did not wish to condemn the peace, with a view to censure ministers, as his only object was to shew, that the terms of that peace were such, that ministers deserved no compliment from parliament, or the nation, for having made it; he did not see any necessity for moving for papers, as the House had matters of public notoriety, on which they might ground their resolutions. The relative situation of affairs of this country, and of the belligerent powers, was a ground which would support him in declaring, that he thought the peace inadequate to what we had a right to expect: every part of the three treaties was marked with concessions, which were the more mortifying, as we were in a situation to have resisted them. To France, ministers had given away Goree and Senegal in

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Africa, Tobago and St. Lucia in the West Indies, Miquelon and St. Pierre, together with the right of fishing on the coast of Newfoundland, and curing their fish on a greatly enlarged extent of shore; and in the East Indies, their former possessions were to be restored and enlarged. To Spain, Minorca, and the two Floridas were ceded; and to America, not only independence was given, but an immense tract of land belonging to the province of Canada. To the Dutch, he understood we were to restore every settlement of theirs now in our possession; so that in fact, we had scarcely done any thing but made concessions to our different enemies. With all these objects before his eyes, he had drawn up five propositions which he would read.

"1. That in consideration of the public faith, which ought to be preserved inviolate, this House will support his Majesty, in rendering firm and permanent, the peace to be conducted definitively, in consequence of the Provisional Treaty and Preliminary Articles, which have been laid before the House. 2. That this House will, in concurrence with his Majesty's paternal regard for his people, employ its best endeavours to improve the blessings of peace, to the advantage of his crown and subjects. 3. That his Majesty, in acknowledging the independence of the United States of America, by virtue of the powers vested in him by the Act of the last session of parliament, to enable his Majesty to conclude a peace or truce with certain colonies in North America, has acted as the circumstances of affairs indispensibly required, and in conformity to the sense of parliament. 4. The concessions made to the adversaries of Great Britain, by the said Provisional Treaty and Preliminary Articles, are greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative strength. 5. That this House do feel the regard due from this nation to every description of men, who, with the risk of their lives, and the sacrifice of their property, have distinguished their loyalty, and been conspicuous for their fidelity during a long and calamitous war, and to assure his Majesty, that they shall take every proper method to relieve them which the state of the circumstances of this country will permit." Lord John concluded with declaring, that he and his friends had proposed this farther testimony of their determination to support the peace on the opinion that the national faith was pledged; but at the same time that he resolved, for the sake of national faith, to support the peace, he must declare himself to be by no means satisfied with it. He then moved his first resolution.

Mr. *St. Andrew St. John* seconded the motion, and said, he could not avoid expressing his surprize, that it could at all have gone abroad that the amendment, proposed by his noble friend, which he had the honour of seconding on Monday last, and which had been carried so very properly, had manifested the most remote idea in the supporters and friends of that amendment, to shake or invalidate the peace, however they might have disapproved it; considering the honour of the nation pledged to observe it, they could by no means, nor could it be possibly supposed from the language they had used, that the most trifling disposition prevailed to break the peace. It was the prerogative of the crown to make peace and war. The House he relied did not desire to interfere with it; and very far was it from the persons who had supported that amendment, or the noble proposers of it, to harbour such an idea. He thought the motion then made by his noble friend was a wise measure, because it would defeat the intention with which that report had been propagated; a report the least founded of any that he had ever heard: it certainly might tend to purposes that were far from being reconcilable with the interests of the state. However, when it was considered who the noble mover of that amendment was, it could not leave a hesitation in the mind of any man what the result of that amendment was, if it was even shaded in a doubt; but if the noble lord at the head of affairs was the mover of such an amendment, then, indeed, he would not pledge himself, how or with what degree of propriety such an opinion, as had now been propagated, would have been received in the world. Mr. St. John went pretty largely into the business, threw out some strong suspicions of the noble earl at the head of affairs, and called to the recollection of gentlemen the conduct of the House on the treaty of Utrecht, to prove that there was no mode of getting rid of a peace that had been once concluded by the royal prerogative; that the only redress that could be acquired for the most dishonourable peace, was the punishment of the ministers who had

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made it; consequently the amendment, on a former day, of his noble friend, could not at all have relation to the idea that had been so very curiously annexed to it. The nation, enraged at the treaty of Utrecht, had, by the House, proceeded to the punishment of the ministers who had fabricated that treaty; one was sent to the Tower, the other went into voluntary banishment. That was an instance to prove, that notwithstanding the people might feel justly offended at a peace which their ministers might make for them, yet it was no reason that a violation of that peace should be the consequence; for the persons who had negociated such a peace were only the objects of public indignation, and who should make a poor atonement for the injuries they had done their country.

Commodore *Keith Stuart* said, that he did not conceive the peace that had been made was of so very scandalous a kind, as had been stated. He felt perfectly satisfied that the peace was the best ministers could have possibly made; and that it was not in the nature of things that, situated as this country was in every department for prosecuting a vigorous war, we had a right to expect a better peace. He said this notwithstanding the noble lord had given a very favourable account of our naval power, an account that must in truth be of the most agreeable nature to every person that heard it, and to every friend to his country, if fortunately the statement was just as it had been given by the noble lord. He, nevertheless, was firm, that it was far from being competent to authorize us to use that tone in our negociations which seemed to be the wish of the noble lord. He then proceeded to assert, that whatever might be the situation of our coasts, whatever might be the service performed by lord Howe in the relief of Gibraltar, whatever might be the *eclat* we acquired by the defeat of the siege of Gibraltar, and the relief of it effected in the face of a superior fleet, all this, however, connected even with lord Rodney's victory, and the incidental decrease by that glorious action of the French navy, did not establish us in such a situation as could entitle ministers to act up to the wishes of gentlemen on the other side of the House; nor had we that decided superiority in the West Indies; at least, though we for some time had it, we were not in circumstances long to maintain it; for he had it from the first authority, that had not this peace taken effect, a fleet of at least sixty ships of the line was rendezvousing at Cadiz to effect the reduction of Jamaica, and complete the annihilation of the British dominion in that part of the world: and was not such a power adequate to complete it? for beyond dispute, he doubted not, it would be allowed that admiral Pigot had not a power to dispute the naval pre-eminence in the West Indies, with such an enormous and disproportionate force as had been ready to dispute the dominion of those seas with him.—The commodore next answered the noble lord with respect to Holland. He said, we were not to trust to the feuds and civil distractions with which that country had been for some time torn; they were wearing away apace, and, rouzed at length from her lethargy, her coalition in active operations with the House of Bourbon would indisputably sink us under the power of such a monstrous confederacy. On the event of a junction in active war, it was impossible to suppose that we could meet them upon any footing of equality; for supposing that we were even qualified to hold the empire of the sea from the House of Bourbon, which the commodore doubted, yet, with the coalition of twenty-five ships, which the Dutch could in the ensuing campaign undoubtedly furnish, we must to all intents and purposes be inferior and unqualified, either to keep the sea, defend our foreign possessions, or even our own coasts; nor could it, in the nature of things, be supposed, that Holland would long continue in that unhappy situation in which she was then involved, at least it was too weak a reliance for us to trust to, and a presumption that neither wisdom nor policy could warrant. On considering these circumstances he thought himself well warranted in giving his tribute of approbation to ministers with whom he professed himself unconnected.

Mr. Secretary *Townshend* expressed his surprise, that after the House had been led to expect a serious enquiry into the different Articles of the peace; after they had been taught to believe that the Address moved for on Monday last, had been modified for no other purpose than that of affording gentlemen time to consider maturely, and weigh with attention and deliberation, every part of the different treaties, the noble lord should now call upon the House to condemn without consideration, what he could not approve, because he had not considered it: if en-

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quiry should necessarily precede approbation, with much more reason ought it to precede censure; he was therefore really surprised that the noble lord should have acted the part which he then appeared in. He perfectly coincided with the noble lord in his first, second, and third motions, which, in his opinion, were absolutely requisite to shew to France, Spain, and America, that the parliament of Great Britain were determined to ratify, in the fullest and most ample manner, those preliminaries of peace lately agreed upon, and that nothing was farther from the intention of the House, than in any, even the smallest degree, to intimate an idea, that the faith of treaty should not be preserved, and that the royal word, pledged under the authority of the constitution, should not be kept inviolable, so far as parliament could preserve it from infraction. The honour of the nation was insulted by the propagation of the report, which, whether it originated from the ignorance of the wretch who first sent it abroad, or from the designs of party, yet demanded a proper, a full, and a parliamentary contradicition. For these reasons, the first motion met his most hearty concurrence. As to the second, he saw no reason to deny his assent to it; indeed, it did not appear to him very consistent with the conduct of those who patronized the amendment, and condemned the peace; for to improve the blessings of a peace, which they called disgraceful, dishonourable, and ruinous, was to suppose that ruin and dishonour were blessings. The third was what parliament, in a very full assembly, deemed requisite, the independence of America; and therefore he could not possibly have any objection to it. The fifth, indeed, wore a different complexion; it respected an intention in parliament to take up the cause of the loyalists, and make a provision for them. The loyalists claimed, it was true, every affection from this country, whose cause they supported; and were they to be abandoned by Congress, or to be oppressed by the laws of America, then it would become a matter of duty and gratitude in Great Britain, to do every thing in the power of parliament, and the abilities of the nation, for their assistance. But when the provisional treaty referred them to the honour of Congress, and in a manner bound America to restore to them the property confiscated, and to confirm to them what they held, it would argue a want of belief in what we had done, if we substituted a provision by parliament, which we looked upon as confirmed in negociations. What would America say to such a resolution as that proposed by the noble lord? They would instantly argue, and not without justice, that Great Britain recommended a matter which they did not imagine would be put into execution: and that to shew their disbelief of it, they agreed to a resolution, which threw a reflection on Congress; and, almost in the moment of paying a compliment to the honour of America, told the world they had no confidence in that honour. Surely, said the right hon. gentleman, it would be proper first to try the result of a proposal before we determine on its effects. It will be time enough to decide when the evidence is substantiated, and the fact so fully proved, as to require the interference of the House. To anticipate, in such circumstances, what there is but a possibility of happening, would be to insult that power with whom we have just formed a reconciliation. For these reasons, he should give his negative to the fourth resolution. As to the fourth, that was of such a nature as required little deliberation. It censured the ministers concerned in making the peace, and therefore he should on that move the previous question. The noble lord who moved these resolutions had mentioned that the idea of peace being against the sense of parliament, was sent abroad either through the ignorance of some foolish wretch who mistook the sentiments of the House, or by the designs of party for some sinister purposes. He assured the noble lord, he did not send abroad such a story; nor could it answer any view of the present administration, either to deceive the people, or misrepresent facts to France, Spain, Holland, and America. There were other quarters from whence such reports might have arisen, where an interest to distract the empire was more naturally, or rather more politically existing. After having said thus much, he observed, that from the knowledge he had of the unshaken integrity and honour of the noble lord, who had moved one of the propositions, and was about to move the others, he was convinced that it was not in his own nature to act uncandidly by any man; but he might be led away by that respect, which he entertained for others, who knew how to chuse their man, when they wanted to have any thing done, that

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was not of itself evidently right; for they were aware that the most candid man in the nation was the most fit person to make the House think, that the measure proposed was not uncandid. He was perfectly convinced that his noble friend was not the real author of these resolutions; he had not a head or a heart to conceive and propose an uncandid measure; though his own native honesty making him judge of others by himself, might make him imagine that candour was not wanting to those, who had persuaded him to take the lead in this business; if he was to be judged by the head and the heart of that noble lord, he should not fear to be able to make the peace appear to him a real blessing to this country.

Sir *Peter Burrell* declared that he concurred most heartily in every one of the resolutions, that had been read by the noble lord; but more especially in the fourth, which conveyed a direct censure on the most disgraceful, the most infamous treaties that had ever insulted that or any other House of parliament; treaties wich contained almost as many concessions as they did articles. Upon what principle had ministers attempted to justify them? By declaring that the state of resources in this country was such that it was absolutely impracticable to prosecute the war. How insulting the plea to a high spirited nation, who knew its own dignity too well, and its own resources, to submit to dishonourable terms of peace! If that spirit had been called forth, we should not now have to complain of an inglorious peace; but the present ministers were incapable of calling it forth, or directing it with any advantage to the public: the plea of inability to carry on the war, would lead to consequences, which probably ministers were not prepared to defend; for if it would justify them in making the present peace, it would also justify them in making a worse, if a worse could possibly be made; he would ask them, if in consequence of the disordered state of our finances, and resources, they would have ventured to set their hands to a treaty which should surrender Nova Scotia, Canada, Newfoundland, and Gibraltar; and have sent the brave but unfortunate loyalists with halters about their necks, to Philadelphia to implore the mercy of a merciless Congress? Would they have consented to such a peace? If they would not, they must have resisted demands that would cover them and their country with disgrace. If therefore they had it in their power to resist, why did they not avail themselves of that power, and so avoid the conclusion of a treaty, remarkable only for the humiliation and degradation of a great and powerful people, who were not yet so reduced as to be under any temptation to sacrifice their honour and their reputation? The framers of this infamous peace had (one might imagine, by way of mockery) declared in the provisional treaty, that it was to be founded in mutual interest and reciprocity; but that reciprocity was darkened with such deep shades, that it was absolutely impossible to discover it. We were to give to the Americans independence, New York, Charles-town, the most of the province of Canada, the liberty of fishing on the coast of Newfoundland, and drying their fish on the unsettled parts of Nova Scotia: and what was to be given to us in return for all these concessions?—Nothing. He asked, if he was not justifiable, therefore, in asserting that the reciprocity of this treaty was no where to be discovered? It was argued also, that the great concessions made of territory, and other advantages to the Americans, were consented to merely for the purpose of making the peace durable, by taking away every handle for dispute; but would any gentleman say, that leaving the Americans at liberty to dry their fish on the unsettled coast of Newfoundland, was the way to prevent disputes? Definitive and precise terms could alone produce that desirable effect; while indefinite and vague expressions would open a wide door to those very disputes, which ministers said they wanted to keep out. How would the word 'unsettled' be understood hereafter! What number of houses or plantations would be necessary to constitute what was called a settled coast! For his part, he saw in this wording of the treaty, an eternal source of quarrels and disputes; and when he considered the footing on which the Americans were with the French, he was not without his apprehensions that the right which the treaty granted to the latter to dry their fish on a coast near 190 miles in length, would occasion various attempts to bring in the Americans to a participation of this privilege; and consequently lay the foundation of endless broils, which in future might be the more serious to this country, as France was now left at liberty to fortify Miquelon and St. Pierre, where she would be able to afford shelter

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and protection to her own ships and those of her allies. The Article relative to the East-Indies was such, in his opinion, as if it had been worded for the particular purpose of concealing its true meaning, if in truth it had any meaning at all; it was like the Jesuit's double creed, and was susceptible of various interpretations; for he really believed, that if twenty different persons had been called upon to explain it, they would have all explained it different ways: where was there the clear road marked out, of which ministers so much boasted, that would prevent any man from going astray; and would infallibly lead him to the true meaning of the Article: and consequently would remove the causes of future quarrel? The fate of the loyalists claimed the compassion of every humane breast; these helpless, forlorn men, abandoned by the ministers of a people on whose justice, gratitude, and humanity, they had the best founded claims, were left at the mercy of a Congress, highly irritated against them. What, then, could they expect from such an assembly? Why, truly nothing; and therefore he might fairly say that nothing had been obtained for them by this country. If nothing else was wanting, was not this enough to damn a peace, and render it infamous in the eyes of all honest men. He spoke not from party zeal, but as an independent country gentleman, who, unconnected with party, expressed the emotions of his heart, and gave vent to his honest indignation; feeling, therefore, as he did, it was not at all wonderful that he should declare, that all the propositions of the noble lord should have his most hearty support.

Sir *Cecil Wray* said—If I differ in opinion with the hon. member who spoke last, it is perhaps owing to that gloomy consideration of our present miserable state, which I think called out for peace, almost at any rate. But, Sir, I rise principally to deplore the unhappy state of our intestine divisions. I do not condemn those gentlemen, who, high in the estimation of the public, are candidates for power, but I lament that every public consideration seems to give way to their struggles for it: this destroys all confidence betwixt man and man; this prevents any system being formed for the welfare of the state. Sir, I have heard that a coalition is about to take place with that old ministry, whose mal-administration had led us into all those difficulties which made the present peace eligible. What may be other gentlemen's opinion, I know not; but for one, I do solemnly declare, that I never will support an administration so formed. For the present premier, I know little of him; various reasons concur to make me wish him out of power, but not for having made the peace on the table; in some things I wish he had gone farther; for instance, why is the nation incumbered with the expence of keeping up a garrison at Quebec, when the only use for the fortress, the trade of Canada, is relinquished. Gibraltar too,—but here I tread on unpopular ground: but from the best intelligence I have been able to procure, that fortress is of as little use to us in war, as expensive in peace; do country gentlemen know, that it will require one shilling in the pound (500,000*l.* a year) to maintain it? This, Sir, might have been bartered for some of those valuable territories (the Newfoundland fishery for instance) that we have ceded. Sir, I do in the most solemn manner call on the country gentlemen to unite in a body to rescue us from this disgraceful situation: we are united in principle, let us exert ourselves in practice; I call not only on those with whom I have always acted, but on those independent gentlemen, who having joined the late administration, have at last their eyes opened; let us step forward, and if there should be a gentleman, whose influence has prevented that punishment which was due to the authors of our calamities, let him be put off; if there is any gentleman in a constant opposition to public reform, and constitutional regulation, let him also be abandoned. Should this be either impracticable, or not meet the concurrence of gentlemen, I will, for myself, say, that I was invited by a most respectable number of my present constituents to this honourable station. I will serve them faithfully and diligently for the remainder of the session, and then with their consent (as I can be no longer useful to my country) I will voluntarily resign into their hands, that power which from them is derived, and to them accountable.

Sir *Horace Mann* declared himself to be a man unconnected with parties; standing alone as a single individual, he rose to give his opinion; he had no political connections, nor was he influenced by any other than public views in his decisions. What had been asserted by the right hon. Secretary, of parties in the House, and



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struggles for power, he knew nothing of, it might be the case; he was affected neither to party, nor party views; that which seemed to him to have the object of his country's good in view, was that which met his approbation, and would have his support. He had the highest respect for the noble lord, whose propositions were then the subject of their discussion; he firmly believed him to be possessed of the nicest feelings of honour, integrity, and virtue. There were many other persons of the same description in his lordship's connection, and with whom it was said the noble lord acted. On those grounds, he was disposed to give his support to the noble lord, because he believed that the views of the noble lord, and his connections, were strictly consistent and consonant with the interests of their country; if that made him a party man, he undoubtedly was of the noble lord's party; but he again professed himself to be of none; and if his not meeting the peace with his approbation also made him so, he of course was one, for he to all intents and purposes execrated the peace; it was, in his idea, a heap of every thing that was disgraceful and degrading to this country. Sir Horace did not much approve the insinuations of Mr. Secretary Townshend, that the noble lord had been dictated to, that those resolutions which he had proposed to the House, were not his own sentiments, that they were neither the language of his head nor his heart. Lord John was of a reputation superior to such descriptions; he would not become the instrument of any party, nor would he suffer himself to be dictated to by any man, or body of men whatsoever. He took notice of the proceedings on Monday, and went into the Articles, marking every one of them with reprobation, lamenting the American war, and replying to what fell from an honourable baronet who had spoken before him relative to Gibraltar; that fortress was invulnerable, and consequently above price to this country; it had effectually proved its value this war; had it not been for the powerful diversions it gave the Spanish arms, how situated would this country have been? How situated would our foreign possessions have been, had not Gibraltar proved a safeguard to our very remotest possessions? If the arms of Spain had been disengaged from an enterprize that exhausted her treasures and obscured the glory of her name in the transcendent lustre of ours, what situation should we have been in? He contended, that as Gibraltar would to eternity operate as a diversion to the Spanish arms, it consequently was a first object to this country to preserve it in our possession, as a consideration of the greatest magnitude.

Mr. *D. Hartley* was of the same opinion, and coincided in support of the motion.

Governor *Johnstone* said, the words of the last address were so explicit, that he thought they could only be misunderstood by some person who had but just learned to read, without knowing the substance of what he did read. He thought the House was bound to support the ratification of peace, because they were constitutionally pledged so to do: and no man, but a madman, a fool, or a knave, could send any other idea into the world.

The two first motions then passed *nem. con.* To the third,

Lord *Newhaven* objected, alledging, as a reason for his so doing, that he did not think the King, Lords and Commons, had a right to part with the property of Great Britain. He entered into an argument on the right of the crown to dismember the empire, and insisted that no such authority was vested in that high branch of the legislature.

Sir *W. Dolben* said, he knew not whether it was owing to an invincible pertinaciousness, or to some better motive, but he was not yet convinced by what power his Majesty had granted independence to America, and therefore, as that was the last opportunity he should have, he would once more call upon his Majesty's legal advisers, to give him some information on that important particular. His Majesty had declared in his speech on the opening of the session, that he had gone to the full extent of the powers vested in him, but he had not mentioned what those powers were. He desired, therefore, to know if he had done it by his prerogative royal, or by statute, and if by the latter, he begged to have the statute pointed out to him. He was aware that one learned gentleman had declared in Monday's debate, that the Act of the last session empowered his Majesty to grant the independence. He had read that Act with the utmost attention, and he could not discover any one sentence of it that conveyed any such power. The Act authorised his Majesty to suspend certain statutes, if necessary to make peace, but that did not amount to a power to abdicate the sovereignty of America, or to alienate any part of his dominions; if



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the prerogative royal did not extend far enough, sir William conceived the power should have been given by an express statute, and not bolstered up by an act of parliament, which, whatever implication or construction it might bear, did not, upon the face of it, vest any such authority in the crown.

Mr. *Wallace* said, that he had brought that Bill into the House, and he would fairly declare, that the power was undoubtedly given by the Act alluded to. The objects in the purview of the Act were two-fold, a peace and a truce. The power of suspension, with regard to certain acts of parliament, therefore, had reference to the latter, the power of repeal to the former. He knew of no prerogative, that authorised his Majesty to abdicate part of his sovereignty, or declare any number of his subjects free from obedience to the laws in being. As soon as the resolution of the House had passed, which put a padlock on the British sword, to make peace was obviously the next step to be taken; with the view, therefore, to enable his Majesty to attain that object, he had drawn the Bill, and as the subject matter of it was extremely delicate, he had been exceedingly cautious in wording it as generally as possible; but the whole aim of it was to enable his Majesty to recognize the independence of America, because America not only possessed independence *de facto*, in levying war, raising troops, coining money, imposing taxes, and administering justice, as completely as any other sovereign state, but had declared explicitly, that she would not treat with us but on the previous condition of our recognizing her independency, and giving her that *de jure* which she had already possessed *de facto*. That the statute of last year gave the king a power to recognize the independency, was indisputable, since by the wording of it that power was vested in the crown expressly, any law, statute, matter, or thing to the contrary notwithstanding.

Sir *W. Dolben* said, he was still so unfortunate as not to be convinced. A power of so very important a nature as that of setting millions of subjects free from their obedience to the laws, ought not, in his mind, to rest solely on the construction of an act of parliament—a construction which the Act itself did not bear, however the lawyers might ingeniously explain it. He had, he observed, seconded the Bill in question, when it was brought into that House, but he had no idea that he was seconding a Bill to empower his Majesty to grant the independence. Indeed he must have had uncommon foresight, or rather a degree of second sight, to have been able to discover that a Bill, which had no such word in it as independence, authorised his Majesty to recognize the independence of America.

The *Attorney General* said, he verily believed the hon. gentleman was not to be convinced by any arguments.

Sir *F. Basset* called him to order, and wondered that any member should dare to advance such an assertion. He justified sir W. Dolben's conduct, and declared the cause of the hon. baronet's doubts was of such weighty consequence, that he was perfectly justified in desiring the fullest information.

The *Attorney General* rose again, and declared, he meant not what he had said, as matter of offence to the hon. baronet; but as every gentleman knew there were points on which men made up their minds so firmly, that no argument could alter their opinion, he conceived this to be the case with the hon. baronet: and to that case he had intended to allude. With regard to his learned friend's assertion, that he knew of no prerogative that authorised his Majesty to free any part of his subjects from obedience to the laws, as that matter was not now the subject of debate, he would only say, that whenever such a question came forward, he would meet his learned friend, or any other lawyer, upon that point, and maintain the contrary. For the present, it was enough for him to say, that the Act of last session clearly gave his Majesty a right to recognize the independence of America; and it was obvious, that the Americans, standing in the predicament of persons declared to be rebels at the time of passing the Act, it was necessary to word it in the general and cautious manner, in which it stood upon the statute book.

Mr. *Lee* coincided with his learned friend, that the statute of last year gave his Majesty authority to recognize the independence of America, and declared that nothing but an express statute could have given any such power, as it did not belong to his Majesty in right of his prerogative. He wished to avoid those terms of insult and uproar with respect to the Americans, which had been so lavishly used in that House in the beginning of the war; and which had not done us any good. A

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noble lord had felt himself so persuaded, that the King had no authority whatever to grant the independence, that he had even gone the length of asserting, that an Act of the legislature, passed in all its forms, could not delegate to the crown any such power. This declaration was not founded. No man could argue in that House against the authority of an Act of the legislature; undoubtedly every Act regularly passed, was binding on all the subjects of the realm; but if ever such a monster should arise as the crown and parliament, concurring to destroy the constitution, there were then other powers to be resorted to, which decency forbad his mentioning under that roof, but which had before, and would again, in all probability interpose to rescue the constitution from destruction. He denied that any part of the King's subjects assuming the exercise of government by levying war, imposing taxes, and administering justice, implied a virtual dereliction of the sovereignty; unless that sovereignty was constitutionally abdicated, it still had existence, though it might for a time be violently withheld.

Mr. *Wallace* said, with regard to the question as to the extension of the prerogative of the crown, he was ready to accept the challenge of his learned friend who spoke last but one, and to argue that matter whenever he pleased. As to the declaration of the hon. baronet, that the statute of last year did not once mention the word independence, the fact was true, and the reason of it was obvious. If the Act had expressly stated, that its object was to enable the king to acknowledge the independence, there would have been an end of the question, and the independence would from that moment have been recognized to all intents and purposes. The principle of the Act was to enable the crown to make peace with America, not to trench upon the province of the executive government, and dictate the terms of peace. As the recognition of the independence was one of the terms America insisted on as a preliminary, it authorised his Majesty to make that recognition, but for the reasons he had stated, it did not of itself make it.

Mr. *Rosewarne* thought, as doubt prevailed, whether the Act in question did or did not empower his Majesty to declare the independence of America, the present resolution would tend essentially to put the matter beyond all doubt.

Sir *Adam Ferguson* declared himself ready to subscribe to the opinion, that the Act of last session gave the crown the power in question, but he nevertheless thought his Majesty had exceeded the Act, and had gone farther than he had any legal or constitutional authority to go. What he meant was the cession to the United States of America, of a great part of the province of Quebec, and of Nova Scotia. He knew of no authority whatever that the crown was invested with, to make that cession. The Quebec Act, the only statute in being that fixed the boundaries of Canada, stated that those boundaries should continue to be the limits of Canada, as long as the crown should think proper. He thought something necessary to cure the evil, and to prevent future doubt and uncertainty, which might occasion much mischief.

The *Solicitor General* begged leave to remind the hon. baronet who spoke last, that the cession of part of Canada was not then the subject matter of debate, but the recognition of the independence of America. He trusted, therefore, that the House would confine themselves to that alone, and perhaps it had been already sufficiently discussed, his learned brethren in general agreeing, that the Act of last session gave the crown power to make this recognition. He desired, however, that if the debate upon the present motion did proceed any farther, gentlemen would confine their arguments to the real subject matter of the question, and not waste the time of the House unnecessarily, when there was another motion to come under discussion, which, every gentleman must be aware, would engage a considerable share of their attention.

Mr. *Eden* said a few words in concurrence with Mr. Solicitor General's opinion as to the matter referred to by the hon. baronet, not being then under consideration: he remarked, at the same time, that there was great force in what had fallen from the hon. baronet. It was that very point, he said, the cession of 18,000 square miles of country to the United States, that had struck him, when he first saw the provisional treaty, and had impelled him to rise, as soon as the Articles of that treaty were read, and mention the circumstance to the House.

Lord *North* said, he had opposed the Resolution of that House which put an end to the American war; but the Resolution having been carried, government

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were compelled to take some constitutional measure to enable his Majesty to recognize the independence of America, since America had declared she would not treat for peace but on that condition, and peace was obviously the only matter then to be aimed at. The Act that had been so frequently alluded to, had been brought in by his learned friend for that express purpose, and when it was considered that no man of the learned profession was allowed to be more accurate in drawing a legal instrument, the hon. baronet, who had started his doubts of the matter, might rest assured, that it was drawn with every possible care, and that the word independence was purposely omitted.

Governor *Johnstone* said, the gentlemen of the bar were such clear-headed reasoners, and argued in such a double way, that it was impossible to contend with them either one way or the other. They puzzled the question so much by their mode of treating it under the two distinct heads of a peace and a truce, that no man of plain sense could either contradict or derive information from their arguments. This, however, he would say, that he should have expected that a statute passed, as it was now declared, expressly for the purpose of empowering his Majesty to recognize the independence of America, would at least have said something that led to that idea. He contended that it did not, and as he was not in the country, when the Act passed, he had applied to the hon. baronet for information, expecting, as he seconded the motion for leave to bring in the Bill, that he certainly would have been able to inform him, whether it did or did not give the crown any such power as was now pretended; the hon. baronet had declared to him, that he never understood it to convey any such authority. The governor added, that he believed it was the only statute ever passed, that never once mentioned for what purpose it was made a law; government, he ever had considered, as having taken a bold measure on the ground of necessity; in order, therefore, to remove future doubt and difficulty, he would now move as an amendment to the question, "That his Majesty in acknowledging the independence of the United States of America, by virtue of the powers vested in him by the Act of the last session of parliament, 'To enable his Majesty to conclude a 'peace or truce with certain colonies in 'North America,' has acted," &c.

This amendment being received, the motion so amended was put and carried.

On the fourth Resolution being put,

Mr. *Powys* declared it was with the most painful feelings that he rose to oppose a motion made by the noble lord, whose candour he had long admired, and whose principles he had been accustomed to revere; he had expected after what had been assigned by the other side of the House, as the grounds of the amendment moved to the Address, a few days since, that a motion would have been that day made for the House to resolve itself into a committee, in order to take the provisional and preliminary treaties into their serious consideration, and that those treaties would have been discussed and investigated article by article. Such a motion appeared to him to be a natural consequence of what had been said last Monday; but to deny then that the Articles had been seriously considered, and to call upon the House now, without any farther consideration, to vote a motion of censure upon the peace, appeared to him perfectly irreconcileable either with reason or common sense. How came the House to be that day more ripe to declare an opinion on the peace than they had been last Monday? How had they spent the three intervening days? Had that time been dedicated to an examination and discussion of the Articles? Every gentleman knew it had not been so employed. How, then, was the House to proceed to a vote of censure? What, without papers and without sufficient information on the subject, to enable them to form a judgment upon the whole of the treaties! He trusted, the House would act more prudently, and would reject the motion. Of this he was certain, that the noble lord in the blue ribbon could not vote for it. The noble lord had expressly declared on Monday last, that he would not vote a censure upon ministers. For consistency's sake, therefore, the noble lord could not vote for the present question, and as his friends stuck pretty close to him, he trusted that motion would not be carried. With regard to the peace, Mr. Powys said, he had already declared there were parts of it, which he had wished not to have seen in the treaties; but that nevertheless such was the situation of the country, such the state of our finances, and such the power of the confederacy formed against us, that he was ready to accept the peace as it was, and to say it merited the approbation of

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parliament. How an hon. gentleman over the way could say otherwise, he was at a loss to imagine. That hon. gentleman, the House would recollect, had talked of the necessity of a peace pretty strongly some months ago, and when he afterwards came into power, and had from that circumstance the fullest opportunity of information, he had told the House, that bad as he had formerly described our situation to be, he had found things to be much worse than he had painted them, and that almost any peace was acceptable. How that hon. gentleman would act that day, he as yet knew not, but he should be a good deal surprised, if he was to stand up and support the motion. The plain meaning of the question was, in his opinion, not whether the peace deserved praise or censure, but to remove the present administration. He wished foreign courts as well understood the matter as they did within those walls; then the question could do no great harm. As to any idea that the peace had been hurried on merely to keep ministers in power, he could say nothing of ministers collectively, because he knew them not collectively; but there were some in office of whose honour and integrity he was so well convinced, that he was persuaded they would spurn at such an idea, and hold it in as much contempt, as he dared to say, his noble friend who made the motion. With regard to the first lord of the Treasury, if his removal was the principal object of the motion, he took that matter to be pretty well decided already. The division on Monday last was a pretty broad hint to that lord, that he was not altogether so popular as he had imagined. He cautioned the House, therefore, against being drawn in to adopt a motion which might prove of the most pernicious consequence to their country. Perhaps what had passed on Monday last might do much harm abroad, and stop France from disarming herself. In that case, instead of the peace, we should see our late enemies observing an armed neutrality, and should be under the necessity of keeping up all our war establishments, by which means the nation would still groan under that immense burthen of expence, to relieve us from which a peace was so desirable. If the peace was bad, let the House look to the cause of it. The noble lord in the blue ribbon, by his maladministration of affairs, had plunged us into the war, and brought on all those calamities which now obliged us to accept the peace such as it was. To the ill-timed lenity of the present ministry it was owing, that the noble lord enjoyed his present situation. Had those enquiries that had once been talked of been carried on, he was persuaded they would not on Monday last, or that day, have witnessed the very extraordinary and unnatural coalition that had been formed against ministers. Last summer, he had observed something like a sterling principle in party; he wished that principle to remain pure and incorrupt, and he advised his noble friend who made the motion, to recollect, that though some alloy might be necessary to make the political coin sufficiently durable for currency, yet care ought to be taken not to debase it entirely. He concluded with declaring he should give his negative to the motion.

Lord *John Cavendish* rose with some warmth, and advised his hon. friend not to let his wit outrun his judgment. He should have felt his compliments more forcibly, and thought they deserved his thanks, had they been given him unaccompanied by those sarcasms levelled at the present motion, and at what the hon. gentleman had been pleased to term an unnatural alliance. With regard to the facts on which his motion was grounded, the hon. gentleman had himself admitted them; and he would venture to say, there was not a man in the House who could lay his hand on his heart and deny that the peace was a bad one, and such a peace as, under the relative circumstances of Great Britain and her enemies, ought not to have been made. As to the alliance, respecting which so much had been said, let gentlemen look back to the year 1757, when the country had been more torn by violent parties than ever was known before or since. Administration came in after administration, and no one set of men staid in for any long period; nay, for eight months together, in a time of war, the country might be said to have no government. What was done then? men of all parties saw the necessity for uniting. They did so; the several factions forgot their animosities, and out of all the different sets of men an administration was formed, that carried this nation to a pitch of glory unknown before. So at present nothing but an union of great and able men could save the country. He owned it gave him great comfort, that he had been able to effect such an union. With regard to the sort of connections he

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had lived in, he said, they had been the chief happiness of his life. That he had seen an hon. friend of his—whose early indiscretions made the obtainment of high situation as desirable to him, as his great and brilliant talents qualified him to have such an ambition—from an impulse of principle so extraordinary and unexampled, that he could scarcely have believed any man, under any circumstances, could have carried his principle to such an uncommon length, abandon place and power, and give up every thing that his ambition could desire, sooner than act with duplicity. Such conduct had rendered his hon. friend dearer to him than ever, and feeling for his honour in conformity to an action that spoke it so forcibly, he never would advise his hon. friend to do what he thought either derogatory to him, or improper in itself. His lordship after this dwelt for some time on the nature of political connections, and said it had ever been customary for men of great abilities, and of high rank and weight in the country, to unite. It rarely happened that the abilities and the fortunes of persons went together. Men of the greatest affluence seldom were possessed of the most powerful talents. In order, therefore, to do their country service, it became the one description of persons to connect itself with the other. He had followed that rule, and though others might not have so affluent a fortune as he was blessed with, they had greater abilities, and by joining both, he was convinced he made himself respectable, and contributed essentially to the public good.

Sir *E. Astley* said, that peace was absolutely necessary for the country, and if it was not so good as gentlemen might think it ought to have been, the noble lord in the blue ribbon, and not the present ministers, were to blame. That noble lord's conduct had produced the disgrace which we now felt. He lamented exceedingly that the enquiries into the noble lord's conduct, that were once talked of, had not been pursued. The reason was obvious; the last administration, having granted two improper pensions themselves, did not dare to call the noble lord to account for the pension granted to him, and to a late Secretary to the Treasury.

Mr. *Wilbraham Bootle* said, he knew not whether he was to call himself a country gentleman or not; but certainly he was of no party. He had seen so much injustice transacted in that House, through the influence of party, while he sat in the gallery, and before he was a member, that when he came into the House, he had washed his hands of party for ever. With regard to the peace, he thought it by no means such a one, as, considering the relative situation of the country, ought to have been made; but knowing that when once made, it ought to be kept sacred, he was ready to adhere to it strictly. There was one part of it at which his heart bled; the Article relative to the loyalists. Being a man himself, he could not but feel for men so cruelly abandoned to the malice of their enemies. It was scandalous, it was disgraceful! such an article as that ought scarcely on any condition to have been admitted on our part. They had fought for us, and ran every hazard to assist our cause; and when it most behoved us to afford them protection, we deserted them. He gave his assent to the motion.

Mr. *Macdonald* dwelt earnestly on the necessity of calling to the assistance of the state its utmost stretch of skill, ability, and integrity. Having exhausted this topic, he proceeded to shew, that wit and sharp altercation, which had been used in the course of the debate, not without a mixture of animosity and party spirit, were peculiarly unfit for the present occasion, when a proposition lay before the House of infinite importance. A proposition possibly, or rather probably, the parent of future calamitous effects. He wished, that in order to judge coolly of the specific proposition then before them, every thing personal, which had been alluded to with some warmth now, or upon any past occasion, could be obliterated from the mind of every gentleman present, as the introduction of collateral considerations, in fact made so many new questions. He proceeded to remind the House, that it had been admitted, on all hands, in the course of the former debate, that even an implied censure was not intended, and that the specific reason given for abstaining from commendation was, that the grounds on which the articles of peace had been concluded, were then unknown to the House, whilst the Articles, upon the face of them, were partly defective, and partly unintelligible, which he felt and acknowledged. If the House, therefore, barely upon the face of the Articles, were not ripe for commendation, was it possible for the same House, upon those identical materials, honestly to say they were ripe

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for censure? He pressed this argument to its utmost length, considering the present question, both on the footing of political expediency, and justice to individuals. Every man, he contended, who felt himself not sufficiently grounded to applaud, must, *à fortiori*, acknowledge himself much less prepared to censure. He then adverted to the actual state of the treaty of peace, compared with its ultimate conclusion, and shewed that the imperfections and obscurity justly ascribed to the preliminary Articles, furnished a conclusive reason for abstaining from a condemnation of them in a parliamentary form, and for this simple reason, that the more imperfect they were, the more remained to be done by farther negociation. He reminded the House, that the Dutch treaty was not yet concluded, which had been used as a powerful argument on a former day, to prove the inability of the House to proceed to commendation, and which ought by every rule of justice and fair dealing to have the same or greater weight, when censure was proposed. To interpose vindictively midway between the most accurate articles which could be penned, and the definitive exposition of them, he argued, must be at all times dangerous, and that it became the more so in exact proportion to the inaccuracy of those articles. That his own resolution had been, not to have voted for any address, amended or otherwise, but to let the matter rest, dreading that the slightest censure thrown out in the agitation of the merits, might lead to the nonsense and absurdity out of doors, which caused an imagination that peace itself was uncertain. Thus much, however, he contended, must be allowed, that if the present resolution passed, asserting that territory had been wantonly ceded, the other contracting powers must conclude that the durability of the peace was very precarious, although its final ratification might in their opinion admit of no doubt. What effects this might have on the East Indies in particular, he would rather hint at than express. He then proceeded to state the possible effects which it might have already produced on the minds of foreign ministers, which could be confirmed or refuted by persons in office, and dwelt upon the pretence it might afford, to stop the disarming in France, where a strong party in the cabinet had pressed for farther war, and the consequent impossibility of disarming in England. In this part of his argument, he was led to touch upon the fatal disclosure which had been made in that House, respecting the state of the land service, and ventured to pronounce, that if the House had had patience to forbear from entertaining that subject, till they had been furnished with decent materials for judgment, they would have seen the incident which provoked that question in a very different and a very extraordinary point of view.—He forbore to dwell upon the case of the loyalists, as an assembly of human beings could scarcely trust their judgments when so powerful an attack was made upon their feelings. If they had hearts and nerves, they must necessarily overwhelm their understandings. He turned his eyes therefore from that subject, by a kind of natural impulse, as from a corpse or a grave: there was, however, he observed, a chance held out by America, of restoring some of those meritorious men to the very *natale solum* on which they had been born and bred. A very bad chance he feared, yet they ought to have the benefit of that chance such as it was. This a parliamentary declaration might frustrate. If that chance fails, said he, tax me to the teeth, and I will cheerfully stint myself to contribute to their relief, or to make up any deficiency. He stated, that by a premature resolution in their favour, the whole burden without a chance of diminution might be thrown on this country, whereas it was but justice to this country also, to give all chances a fair and deliberate trial. He concluded by saying, that he should vote against the fourth resolution, and for a previous question on the fifth.

Mr. *Fox* said; I rise, Sir, merely to answer a few observations that have dropped in the course of this debate, in which I cannot but consider that the facts have been misconceived, and the arguments deduced from those facts totally misapplied and unfairly stated. In what I have to say on these particular points, I shall not trespass long on the patience and attention of the House at this late stage of the debate. I should have spoken before, had I not wished to have heard the general opinion of the House on this question, before I presumed to give my sentiments upon the motion of my noble friend.

The argument which has been used by some hon. gentlemen on the other side of the House against the fourth resolution moved by my noble friend, appears to me the most preposterous and chimerical that

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was ever offered. A learned hon. gent. (Mr. Macdonald) has said, that the House coming to a vote of disapprobation on the preliminaries and provisional treaty, will be construed by our enemies as an absolute intention of parliament not to abide by the Articles they contained. The hon. gentleman says that it will be tantamount to a declaration of recommencing the war. Is it then to be understood, that we are inimical to the peace, because on the most deliberate consideration of its Articles, we are obliged to give our candid opinions, that it is not such a peace as we might reasonably have expected from the relative situations of Great Britain with France and Spain? I think there cannot be a greater assurance of our pacific intention than what is conveyed in the principles of this fourth resolution, as it is connected with that resolution wherein we have pledged ourselves to give every stability and permanency to the peace: for, notwithstanding the peace is, perhaps, the worst that could possibly have been framed for the real interests of this nation, yet we have resolved to preserve inviolate the public faith which has been pledged in this negociation. If there is a possibility of giving an assurance of our inclinations for peace, it cannot be so well conveyed as in the letter and spirit of this resolution. In the moment that we find the peace so justly deserving of the general reprobation it has received, we pledge ourselves to see every iota of it fulfilled. In my opinion, the first resolution would not be so strongly expressive of our inclination to cultivate the friendship, confidence, and intercourse with our late enemies, were it not followed by expressing thus the sense we have of the peace being so inadequate to what our real and relative situation might have expected. Thus must France, Spain, and America, consider, that we are determined for peace, indeed, when we can so solemnly pledge ourselves to ratify and validate a negociation wherein we find such a waste of our interests and possessions. So that every argument upon this principle is the most vague, delusive, and nugatory, that it is possible for human reason to conceive. It is an absurdity too enormous for common sense to countenance.

But if this resolution was not so immediately necessary for the establishing foreign confidence, it is absolutely indispensible for preserving internal consistency. Did we not in our vote of last Monday imply, that we would give an opinion upon the preliminaries and provisional treaty which have been laid before us? Why proceed to a consideration of these papers, if the consideration of them must pass without an opinion? It is mocking the general business of parliament, to presume that we should meet for the purpose of enquiring into these papers, without giving our opinion as the result of the enquiry. It is beneath farce itself, to suppose, that we can abstract the idea of giving an opinion from having exercised our judgments. These papers have been the subject of a very serious and ample consideration. We have all formed an opinion. And, although I will not say every person in this House has this one opinion, yet I believe the exceptions are very few, indeed, from those who are not convinced of this peace being most inconsiderate, improvident, and inadequate, to the real and relative interests of the kingdom. If such is the general opinion, why should it not be declared? Have we not pledged ourselves to give those sentiments which have arisen from the most serious consideration? If gentlemen mean by their opposition to this resolution, that, from the papers we have seen, our opinions are imperfect, and therefore incompetent for passing any vote that may involve in it a censure on the noble lord at the head of the administration, why are not those papers laid before us which might alter our opinions? The papers have been asked for, and, in my opinion, improperly. If this was not my opinion, I should not hesitate to vote for every paper which contained the least matter of information on the subject. But when I consider how impossible it is for me to judge what papers might come before the public, I cannot but approve of their not being called for. Were I to call for these papers, I might ask for such as might prove very dangerous to the intetests of the country. The minister should produce such papers as he knows not to be dangerous; such as are proper to meet the public eye, and will tend to clear the characters concerned in this peace from the censure they must otherwise sustain; but if these papers are withheld, and there are a sufficient number already on the table to afford just ground for this resolution, it can only be deferred with an intention of its being destroyed; so that I conceive the argument as only meant to impede the performance of that promise which we have given to the public. We

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cannot, if we would, dispense with this resolution, consistently with our own honour, and the duty we owe the people.

Then why is it urged, that this resolution is merely brought forward as a contest for power? Is it a contest for power, that we appear desirous of performing our engagements with the nation? Can it be construed into a contest for power in the noble lord who brings forward this resolution? Is my noble friend to be considered ambitious for power, who has always been known to avoid rather than to court official employment? Surely no! If he has a blemish to foil his eminent virtues, it is that of receding from those places where his ability and integrity might promote the interests of his country. I am certain there is not a gentleman in this House, possessing the smallest degree of candour, who can attribute such a base and pitiful motive to the noble lord. Were not the insinuation as perverse as it is contemptible, the character of my noble friend would have saved his resolution from such a paltry and disingenuous aspersion. But it is trifling with the time and attention of the House, to give this assertion a serious reply. All I shall say upon this part of the subject is, that the purpose for which it is hazarded can in no manner be successful. If it is meant to save the first lord of the Treasury from the disgrace of his measures, there needs not this resolution to pass while the memory of the peace on your table remains in the minds of the people. Or if it supposes, that putting aside this resolution will be the means of preserving the present system, I trust that it is too generally known in this House, that this resolution is not necessary to destroy an administration which is already fallen. And here I must observe my regret for my hon. friend below (sir Cecil Wray) having seen any thing in our conduct this evening to have excited in him sentiments and expressions that I trust his reflection will condemn. I lament the loss of his confidence, because he possesses my friendship; but I can only attribute it to a total misunderstanding of the principle of this resolution; otherwise I am confident he would never have thus sounded the alarum of independency, and have quitted that cable of friendship which I should have hoped would have never been parted: so that I will not condemn his behaviour, although I must lament the loss of his approbation. I am assured of the honesty of his intention, while I question the propriety of his conduct. What he has said, goes against the forming of any administration; and it shews, that he has not been much used to the making of ministers. An hon. gentleman on the other side of the House (Mr. Powys) thought proper to censure the coalition of parties in a former debate. Indeed, he has mentioned them again in the present; but I trust this censure is undeserved. Whatever coalition of parties there may be, it has arisen from the necessity of men uniting for the purpose of preserving the constitution of the country inviolate from the attack of an individual, who has had the temerity to act more from his own dictates, than from the principles of the constitution, or the necessities of the country. If ever the situation of a country required a coalition of party that could preserve the vigour of the state from debility, it is that of the present. I trust there can be no necessity for argument to enforce this, while those preliminaries, and that provisional treaty, lie on your table. I am free to boast of being connected with a set of men, whose principles are the basis on which the state has for a long time past been preserved from absolute destruction. It is to the virtues of these men that I have surrendered my private opinions and inclinations. It is thus only that I could prevent myself from falling into those errors which the prejudices, passions, and perplexities of human nature, will, at times, occasion. And, thus I have been always answerable to my country for my conduct; for in every public transaction I have thought it most safe to resign my private opinion, when I found it departing from the general opinion of those with whom I was connected by friendship, confidence, and veneration. Those whose virtues claimed my respect, and whose abilities my admiration, could not but prove the best directors of a conduct, which, alone, might fall by its demerity, or be lost by temptation. And now I must beg leave to say a few words on what I feel of the most serious nature, as far as it relates to the complacency of my own feelings. The sentiments which have fallen from gentlemen, of whom I had flattered myself to have possessed the friendship and good opinion, has occasioned in me a retrospect of my past conduct. I have reviewed my conduct with a severity of retrospect, that I should scarcely have endured, had it not been



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from a conviction that I really committed a fault which merited the most painful of all feelings—that of losing the support and approbation of men, whose virtues I reverence, and whose good opinions it is my greatest pride and happiness to cultivate. But, however painful this severity of retrospect may have proved, I find it amply compensated in the pleasure every honest mind feels, when it can bear testimony to the purity and consistency of its intentions. As no inquisition can be so formidable to sensibility as that which our own reflection holds on our actions, the result of my enquiry is attended with an increase of satisfaction proportionate to the pain I felt for its necessity, and fear, lest I should find myself deserving of what I have this night so painfully experienced: I mean the forfeiture of friendship, support, and confidence, where I have always sought its enjoyment. It is only from such characters as have my esteem, that I have sought support and connection. However, I find myself this evening deserted by those whom I thought never to have given a pretence for losing their estimation; and the regret I experience on the occasion would be insupportable indeed, were it not from a consciousness of its being undeserved. And this conviction is in a great measure confirmed by what I have seen since I receded from that administration, in which there was no principle of stability and connection to support it, with honour to itself and welfare to the people. That we were justified in our receding from such an administration, has been daily evinced by those who have since followed our example. Have not those, who were deluded by pretence, not confirmed by principle to take a share with a man whom they now see the absolute necessity of deserting, proved the necessity of our conduct? It can be no small satisfaction to me to see those follow my conduct, whom, indeed, I could rather have chosen to follow. Can there be a greater demonstration of the propriety of our conduct, than seeing others receding, one by one, from a connection which has betrayed every principle on which their confidence was founded?

But while I produce these as indisputable arguments in favour of the propriety of our resignation, and opposing the measures which have been since pursued to the disgrace and injury of the country, I shall not disavow my having an ambition to hold such a situation in office, as may enable me to promote the interest of my country. I will confess, that I am desirous of enjoying an eminence which must flatter my ambition, promote my convenience, and enable me to exert myself in my country's service; and in confessing this desire, I trust that it cannot be termed presumption. I flatter myself that I am not inadequate to the importance of such a situation; nor do I think that I gave, during the short time I held a respectable place in administration, any reason why I should not offer myself a candidate for a share in that new arrangement which the late neglectful, not to give a worse epithet, conduct of the first lord of the Treasury, has rendered indispensible. But this is a subject which I think more prudent to wave, than to enforce by adducing arguments, or referring to instances.

I shall now take an opportunity of observing some particulars, in answer to what has fallen from an hon. member (Mr. Keith Stuart) relative to the state of our navy not being such as to countenance the continuance of the war. He says, that the accounts of the relative state of our navy are untrue; it neither was, nor is in that condition in which it has been represented. But this assertion does not go so far against our disapprobation as some other arguments that were made in this and the upper House in the course of last Monday's debate. It was then positively asserted, that the real state of our navy was represented far superior to its actual condition; that it was by no means adequate to the services to which it was allotted in its several destinations; that some ships were foul, others rotten, and others not stored. But these are instances that can be adduced in every fleet; they are as equally applicable to our enemies as to ourselves. But the candid and fair statement of the subject would be this: can it be proved, that our navy was inadequate to any service on which it was dispatched? Has there been any one offensive or defensive measure declined in consequence of our navy being incompetent to the duty? If this can be proved, then I shall most cheerfully consent to lose this resolution. I will even join those who are now so forward in the praises of a peace, which, to every man of common sense, is the most disgraceful and disadvantageous of any this country can produce. I will even join them in their loudest praises. There is nothing their

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enthusiasm can suggest in its favour, but I will most readily subscribe to. But while I am confident that no such proof can be brought, I must contend for the necessity and propriety of this resolution.

And now permit me to mention, that this assertion is not only destitute of evidence and veracity, but even of common gratitude and candour. It has originated from those who are known to be under the greatest obligations to that noble and honourable character they are thus endeavouring to depreciate. But not to say any thing farther on this disagreeable part of the subject, has it the least support from the comparison of facts and circumstances? Would the noble lord (Keppel) have been so ready to resign his place because he disapproved of the peace, had he been sensible of our naval inability for war? Is he to be considered so much an advocate for war, that he would absolutely risk his own character to imputation, if not merited disgrace and dishonour? Surely nothing can demonstrate the falsity and malice of this assertion so incontrovertibly, as the first lord of the Admiralty having resigned his employment! Had he not been confident of the condition of the fleet being adequate to every relative service of war, he would have been sensible of the impropriety of opposing a peace. He must have seen the folly and danger of such a conduct, from the knowledge of the destruction it might bring on the country, and the disgrace it would, consequently, bring upon himself. But, however, not to adduce any more arguments to controvert an assertion that has no other foundation than error, malice, and ingratitude, I shall proceed to state some facts which prove the state of our navy being in a condition sufficiently powerful for any relative operation in war. It will prove that the first lord of the Admiralty, I mean my noble friend, had just reason for his confidence in its competency. Whatever information the hon. member (Mr. Keith Stuart) may have received respecting the superior state of our enemies power, I will pledge myself to produce authentic and indisputable evidence, that in the course of last year our navy increased seventeen in its number, while that of France had suffered a diminution of thirteen. Admiral Pigot would have had by this time fifty-four sail of the line in the West Indies. This would have been such a force for every defensive and offensive purpose, that the situation of those seas might have required or permitted. We might then have been perfectly at ease with regard to the safety of those possessions, especially when the state of the Spanish navy was considered, and that we had also remaining at home thirty-four ships of the line. If such is the situation of our navy, as I pledge myself to prove, can there be a pretence for vindicating the necessity of those enormous cessions which lie before us on the table?

I might, on this occasion, repeat the arguments which have been already adduced to shew the little attention which has been paid to the interest and feelings of the country in this negociation. But this would be only engaging the attention of the House to what they must have already formed an opinion on, in consequence of the able arguments that have been offered upon the consideration of the preliminaries and provisional treaty. However, I must observe that in this negociation, our enemies have exacted our possessions, without paying that tenderness to our feelings which they have always affected to pay in similar negociations. There does not appear in this negociation the least circumstance to flatter our sacrifice of honour as well as possession. The papers before us bear too evident signs of the disregard and negligence with which they have been settled. But while they contain every mark of humility, ignominy, and disadvantage to this country, they evidently shew the triumph and superiority of our enemies. For *primâ facie*, we find every advantage give to our enemies, and not one solid and real advantage retained or restored to ourselves. We have granted to the Americans the privilege of fishing on the only part of Newfoundland, which is left us by our cession to France. It is true they are excluded from the privilege of drying their fish on our territories; but this is merely a negative advantage; it includes no positive interest: for since France has a privilege of part of this island, it will be very easy for America to fish with us, and dry them, by permission, on French territories. Thus it is evident, that our fishery, so much boasted, in Newfoundland is, in a manner annihilated; not to mention the impolicy of ceding St. Pierre and Miquelon, all the possessions that we have reserved, are only such as tend to create jealousies which may be pretences for war at a future period. But to take a general view of this peace, we find it contains a sacrifice of our chief

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possessions in America, Africa, and Asia. By the boundaries which have been so carelessly prescribed, we have excluded ourselves from the Mississippi; so that we only retain the name, without being able to enjoy its possession. We have lost West Florida, and ceded the East to complete our loss of American territory. And, in this last cession, in a treaty for peace, we have given Spain the greatest temptation for war. We have resigned to them those advantages which were always their annoyance and terror. In this as well as in every other part of this negociation, that first principle of treaty has been totally disregarded. The retention of places, the relative power of which is to check the operations of war, is the best security for the preservation of peace. In the West Indies we have restored the island of St. Lucia, besides ceding and guaranteeing the island of Tobago; but as a compensation for this latter cession, we have the islands of Nevis and Montserrat; therefore what has been restored to us by France in the West Indies, cannot at all be considered as a compensation for St. Lucia. We may be said to have only for restoring this invaluable island to the French, Grenada, the Grenadines, St. Vincent, and Dominica. And for all our acknowledgements, cessions, and restorations in America, we are only possessed of the Bahamas. In Africa we have ceded and guaranteed to France the river Senegal and all its dependencies, with the forts of St. Louis, Podor, Galam, Arguin, and Portendie; and to complete this African cession, we have engaged to restore the island of Goree. And in return for all the forts, the river Senegal with dependencies, and Goree, France has only guaranteed to us Fort James and the river Gambia. The dependencies of the river Gambia are to be understood as included in this guarantee, where we have been too careless to have them specified in the same manner as in our cession to France. In Asia we are engaged to restore France all the establishments which belonged to them, at the commencement of the war, on the coast of Orixa and in Bengal: besides granting them the liberty of surrounding Chandernagore with a ditch for draining the waters. We are likewise engaged to take such measures as shall secure to the subjects of France, in that part of India, and on the coast of Orixa, Coromandel, and Malabar, a safe, free, and independent trade. In the next Article, we restore Pondicherry and Karical. We likewise procure, as a dependency to this restoration, the two districts of Valanour, Bahour, and the four Magans. France also enters again into the possession of Mahé and the Comptoir at Surat. In Asia, all this we grant without the least cession received from France; and, notwithstanding, all this profusion of liberality is incompetent to preserve the peace from suspension and interruption. By the 16th Article we are exposed to the continuance of the war as much as if we had not restored an inch of right, privilege, or possession in those parts to France. In Europe we have consented to the abrogation and suppression of all the Articles relative to Dunkirk, from the treaty of Utrecht, in 1713, to this period inclusively. This has been entered upon without the least pretence or appearance of equivalent. From this real state of the negociation, can we have a possibility of withholding our assent to this resolution? Are not all these American, African, Asian, and European cessions, sufficient evidence that the peace is not so favourable to the interests of the kingdom, as our relative state and strength required? We may represent our own debility, to prove the necessity of a peace. But, in our approbation of this peace, it must be demonstrated, that from our relative debility a better peace we could neither expect nor obtain. If our finances were straitened, it remains to be proved, that the finances of our enemies were not equally exhausted. Do we not know that France never supported a war with more difficulty; that Spain was nearly in a state of national bankruptcy: and that America was in a state of national poverty? But this last I adduce not as an instance of the policy of the American war. I am convinced that, although she was without resource, yet her unanimity, her enthusiasm in the cause of her independence, would be sufficient to repel the united forces of all Europe.

It was from this opinion, that I have always reprobated a war that was as ridiculous in its object as it was unjust in its principle. However, this is by no means a palliative for this enormous cession for which this peace has been obtained. For, although it might be impossible to have conquered America, yet her being destitute of resource gave us a great advantage, when considered relatively, as she was in alliance with France and Spain. From this knowledge, we might have seen the

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policy and power of withdrawing our troops from America, had the war necessarily continued. We might have directed them against France and Spain as an accession of strength, without fearing its being counter-balanced by any assistance they could derive from America. Without resource for her own exigencies, she could have no power of granting subsidies to them. All the assistance which she might have lent to them could be only a few troops, that, in fact, could prove of no great advantage, while we had the policy to confine ourselves to the object of a naval war. It is, therefore, most clearly apparent, that we had every right to expect a more advantageous peace than what is under our consideration.

And here, Sir, I shall take notice of an argument offered by an hon. gentleman to prove that this peace is, notwithstanding every evidence to the contrary that has been produced, deserving of our approbation: nay, that it has even received virtually, if not positively, our applause; for the hon. gentleman says, that in our second resolution, we have pledged our endeavours to cultivate the blessings of that peace, which we mean, by this fourth resolution, to censure and condemn. Surely, said he, this peace must have received our approbation, when we have acknowledged that it has blessings, which we are pledged to cultivate; and that it is, likewise, self-evident, that a peace must deserve our approbation, to which the word 'blessing' can, with any propriety, be annexed. I wish the hon. gentleman had annexed the word 'blessings' to this peace with the least propriety. But he will pardon me in saying, that he misrepresents the words and meaning of this second resolution. The word blessings is connected with the general idea and meaning of a peace. My noble friend, who moved the resolution, could never have so much mistaken this peace, as to have annexed blessings as its consequence. Let the hon. gentleman attend to the words of the Resolution, and he will find his position has been very unfairly stated and erroneously conceived. He will find the words are, "the blessings of peace," and not of this peace. But in regard to the real intention of thus pledging ourselves to cultivate the blessings of peace, it is only a necessary assurance of our wishes and endeavours to render it reciprocally advantageous, by which means its permanency can only be preserved. It is a pledge that we mean to enter upon the consideration of our commercial system, in order to make such regulations as the alteration of our empire, and the creation of the States, may require: for it is only by such a resolution that we can palliate the neglect of administration, in having made this peace, without having to produce the least sign, intention, or appearance, of a commercial plan adapted to the altered interests of the empire. It is thus that we can only assure France, Spain, and America, of our sincerity to keep inviolate the public faith, which is pledged in the preliminaries and provisional treaty. And here I cannot avoid observing the attempt to impose this peace upon our credulity and judgment, as being negociated on the principle of the *uti possidetis*. Had this really been the principle of its negociation, France would neither have been in possession of the Newfoundland fishery, nor would she have had a foot of East Indian territory. But, indeed, the absurdity of such a pretence is evident, from the situation of the country being represented as totally different from what is the foundation of the *uti possidetis*. And here I must state the two principles which direct every negociation. The one is the *uti possidetis*; the other, reciprocal and general restitution. Reciprocal and general restitution directs and governs a negociation for peace, when the belligerent powers have equal desire and reason for concluding the war. It is then they find it their interest to reinstate each other reciprocally in the possessions they have lost. The *uti possidetis* is the principle of negociation when either of the belligerent powers are the conquerors. It is then the vanquished are obliged to submit to the loss of their possessions. As they have not power, they assume not the pretence of demanding restitution. They are, therefore, content to purchase peace with the loss of what their enemy has taken, because they know their imbecility to support war. But in the present negociation we have all the dishonour of the *uti possidetis* were it against us, and all the disadvantage of partial, not reciprocal restitution. To consider the peace in a relative point of view, we shall find that France retains what she has taken from us, and receives a general restitution of all we have taken from her. Never was a peace so negligently, disgracefully, and injuriously concluded for this nation. Surely, nothing can account for it so clearly as a retrospect on the minister's

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conduct and consequence with whom our enemies were to negociate. It is evident our enemies were sensible of his not having that support and confidence which was necessary to invigorate the arm of war against them. They were sensible, that he was conscious of his own tottering power, and, therefore, they with their usual sagacity and penetration, perceived it was the happy moment for their demands and our concessions. It is thus that we learn the foreign character and estimation of the minister. The preliminaries and provisional treaty is a foreign lesson to teach us domestic caution and information.

It has been urged as a mark of our weakness, that the general system of the war has been more of a defensive than offensive nature. Happy am I to find we have not waged a general offensive war, according to the system on which the war was conducted. The view of the peace before me is sufficient reason for my approving the policy and necessity of our war being generally defensive; for had we waged offensive war with success against forts, garrisons, and islands, we should only have had the more to have returned at the negociation for peace. Could we have confined our operations against ships instead of forts, garrisons, districts, and islands, then we should have retained whatever we might have had the good fortune to have taken. These would have been real and permanent acquisitions. They would not have lain within the minister's power of restoring. Since I see such a general cession and restoration of what had cost the country so much blood and treasure to retain and possess, I cannot but lament the offensive war we have waged. Had we taken less, less had there been to have restored. So that at least we should have saved much disgrace in proportion as the Articles would have contained a less appearance of cession and restoration. Who that views the preliminaries and provisional treaty will not blush for the ignominy of the national character it will hand down to posterity! Who could have supposed, that such a treaty would have been concluded in 1783, as the consequence of our successes in the year 1782!

And now I would beg leave to say a few words in answer to what has fallen from an honourable baronet, (sir Edward Astley) respecting two pensions that were granted by the late first lord of the Treasury; I mean the marquis of Rockingham. Happy am I that such an opportunity is given me of vindicating his memory from any aspersion which might otherwise adhere to it. The honourable baronet has been pleased to say that we had not enquired into those shameful, extravagant and unmerited pensions which were granted by the administration we succeeded, because we had committed the same lavishment of the public money ourselves. As far as the pensions to which he alludes relate to my conduct, I have only to answer, they were granted without my approbation; for I am free to confess, that I did not altogether approve of the necessity or the principle of these pensions: but although they might not have entirely my consent, yet the accusation comes rather improperly, as a reflection against our conduct. The pensions were not granted to those who merited our regard either from attachment, principle, or service in our interest. We granted them to the friends and adherents of those who were known to profess sentiments totally distinct from what we had adopted. But humanity and liberality were the characteristical features of the deceased marquis's disposition. He was of a temper too disinterested to reward his own adherents with such pecuniary gratuities. It was his principle, to retain the attachment of his friends, not by mercenary benefits, but by his conduct commanding their affection: and merit and necessity, even in those who were inimical to himself and connections, had always a claim to his assistance. It was by this irresistible conduct that he conciliated his enemies and retained his friends. It was not his object in possessing power, to enrich mercenary dependents at the expence of the public. He took power, not for plundering, but preserving and promoting the properties and privileges of the people. So that the hon. baronet has with great impropriety adverted to these pensions, as an instance of corruption in one of the most able and virtuous ministers that ever did or ever will direct a state.

It has been mentioned as an argument against the present resolution, that the decision to which we came last Tuesday morning, has been the cause of the ambassadors now in town delaying the conclusion of the treaty. It is said, that they have expressed a shyness to conclude what remains to perfect the negociation, alledging, that they perceive from the determination of the House, their disinclina-

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tion to fulfil the Articles; and that we have only entered upon this negotiation, merely as a cessation of hostilities. But, instead of thus uncandidly stating such a position, would it not have been more consistent with the truth, to have attributed this conduct to their diffidence in the administration, possessing long enough the power of completing the negociation. Is it not more wise and prudent in them, to suspend their commissions for treaty until they see an administration so firmly established, as may give a due and proper validity to the negotiation? It would be very hasty and premature conduct in them, to express any eagerness, at this moment of vicissitude, to finish the ratification.

An hon. gentleman took occasion in a former debate to censure a coalition of parties. How far this censure was proper, the necessities of a coalition of every party that would join to destroy that party which has been so destructive to the country will discover. But were there not this necessity for coalition, I cannot see the propriety of censuring our accepting of the support, and according with the sentiments of the noble lord, (North). It is true, there was a period in which I have treated the conduct of the noble lord with that disapprobation which I should again use on the same occasion; but the cause of this disapprobation is now removed. The Americans are now independent. We have no longer a pretence nor inclination for continuing the war which I felt the necessity of reprobating. The cause of disunion no longer subsists; and the situation of the country calls loudly for the strongest coalition, which may reinstate the people in their rights, privileges, and possessions. We have a minister, who is in his nature, habitudes and principles, an enemy to the privileges of the people. And as I am convinced, that no system can exist which is not supported by a fair, consistent, and established unanimity, I am happy to join with any party which I think has the abilities and intentions of promoting the general welfare by a permanent union. This administration has been destroyed through want of confidence. It is, therefore, the greatest absurdity to think of preserving the station of a man who is unsupported by every friend and advocate for the constitution. I believe there is scarcely an individual in this House who would give his unbiassed support to the present premier. Is there any one who could think of supporting a man who has in every possible manner trifled away the general, absolute, and relative interests of the country? Has he not, as we have too evidently seen, made concessions in every part of the globe without the least pretence of equivalent? Then let it not be said, that such a combination against a minister is unconstitutional: and while it is acknowledged, that the king by his prerogative possesses the right of ministerial appointment, let it be remembered, that the people can by their privilege annul that appointment. It is only thus, that we can derive the means of restoring the abused confidence of the people. It is only coalition that can restore the shattered system of administration to its proper tone of vigorous exertion. By this means we shall regain the lost confidence of the people: and it is only that confidence that can give effect to the springs of government. I trust there is now a prospect of reviving and establishing the system of which I have so long been proud of considering myself a member. There is now, I trust, a certainty of the present nugatory and shattered system being repaired, and rendered sufficiently strong to bear the interests of the people. Now the sense of the nation is awake to conviction. They will no longer lend their assent to the destruction of their own welfare. The obnoxious part of administration must recede from the countenance of his sovereign. He has neither the sanction of people or parliament, or, indeed, his wonted colleagues. So, that from these considerations, I have the fullest assurances of seeing the interests of the nation once more placed on that foundation which can only save it from destruction. It is only from the coalition of parties, for the honest purpose of opposing measures so destructive to the interests of the country, that the spirit of constitutional power can ever be restored to its former vigour. It becomes men to forget private resentments when the cause of the nation calls so immediately for public unanimity. Besides, is it not an indication of our principles having been directed for this one end, the general good, although we have pursued different means for its acquisition? And as the cause of the country may have induced that personal asperity, which seemed to have occasioned a mutual enmity, that implied an impossibility of its ever being destroyed; so it may be perceived that the cause

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of the country can with the greatest facility turn that enmity into confidence and friendship. From this view of the subject, it may very well appear what the situation of the country must be, which is sufficient to unite men of such different descriptions as myself and the noble lord. By this I mean not the least reflection on the principles of the noble lord, but rather the sentiments that so long occasioned that war which has ended so unhappily. But this is past, and I trust the consequence of the coalition will be the salvation of the country.

Mr. Chancellor *Pitt* rose and said:

Revering, Sir, as I do, the great abilities of the hon. gentleman who spoke last, I lament, in common with the House, when those abilities are misemployed, as on the present question, to inflame the imagination, and mislead the judgment. I am told, Sir, "he does not envy me the triumph of my situation on this day," a sort of language which becomes the candour of that hon. gentleman as ill as his present principles. The triumphs of party, Sir, with which this self-appointed minister seems so highly elate, shall never seduce me to any inconsistency which the busiest suspicion shall presume to glance at. I will never engage in political enmities without a public cause. I will never forego such enmities without the public approbation: nor will I be questioned and cast off in the face of this House, by one virtuous and dissatisfied friend. These, Sir, the sober and durable triumphs of reason, over the weak and profligate inconsistencies of party violence; these, Sir, the steady triumphs of virtue over success itself, shall be mine, not only in my present situation, but through every future condition of my life: triumphs which no length of time shall diminish; which no change of principle shall ever sully.

The fatal consequence of Tuesday's vote, which I then deprecated and foretold, is already manifest in this House, and it has been thought on all sides requisite, to give a new stability to the peace, which that vote had already shaken. But the proof which the present motion is about to establish, that we are determined to abide by this peace, is a declaration that we have examined the terms, and have found them inadequate. Still less consistent is this extraordinary motion with the language of Tuesday. It was then urged, that no sufficient time had been allowed us to determine on the Articles before us; and in the short space of two days, we are ready to pass a vote of censure on what we declare we have not had leisure to discuss. This, Sir, is the first monstrous production of that strange alliance, which threatens once more to plunge this devoted country into all the horrors of another war.

It is not, Sir, an exception to any single Article, if well-founded exceptions should really exist, that ought to determine the merits of this treaty. Private interests have their respective advocates, and subjects may be easily found for partial complaints: but private interests must bend to the public safety. What these complaints may prove, is indeed yet unknown: for whilst the hon. gentleman alone is describing with so much confidence the distresses and dissatisfactions of trade, she herself is approaching the throne with the effusions of gratitude and affection. The hon. gentleman who spoke last, has fairly stated the terms by which the merits of this peace are to be decided—the relative strength and resources of the respective powers at war. I will immediately meet him on this issue.

I shall begin, Sir, with a most important subject, the state of the British navy; and shall refer myself for proofs of what I assert, to the papers now lying on your table. This appeal, Sir, to solid and authentic documents, will appear the more just and necessary, when I acquaint the House, that a noble lord, (Keppel) from whom the hon. gentleman professes to receive his naval information, has varied in his statements to the cabinet, no less than twenty sail of the line.

We are informed, Sir, from the papers before us, that the British force amounted nearly to one hundred sail of the line.—Many of these had been long and actively employed on foreign stations. With diligent exertions, six new ships would have been added to the catalogue in March. The force of France and Spain amounted to nearly 140 sail of the line, 60 of which were lying in Cadiz harbour, stored and victualled for immediate service. Twelve ships of the line, including one newly built by the United States, had quitted Boston harbour under Vaudreuil, in a state of perfect repair. An immense land-armament was collected at St. Domingo. These several forces were united in one object, and that object was the reduction of Jamaica. Who, Sir, can suppose with seri-

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ous confidence, that island could have long resisted a regular attack, supported by 72 sail of the line? Admiral Pigot, after his reinforcement from Europe, would have commanded a fleet of only 46 sail, and it has long been acknowledged in this House, that defensive war must terminate in certain ruin. Would admiral Pigot have undertaken at this time offensive operations against the islands of the enemy?—those islands on which lord Rodney, flushed with victory, could not venture to attempt an impression? Would admiral Pigot, Sir, have regained by arms what the ministers have recovered by treaty? Could he, in the sight of a superior fleet, have recaptured Grenada, Dominique, St. Kitt's, Nevis, and Montserrat? Or, might we not too reasonably apprehend the campaign in the West Indies would have closed with the loss of Jamaica itself, the remnant of our possessions in that part of the globe?

Let us next consider our situation in the east. A mere defensive resistance, however glorious, had entitled sir Edward Hughes to the thanks of this House; but his success, if it may be termed a victory, had not prevented the enemy from landing a greater European force than we actually possess in India, and who at this instant are, in conjunction with Hyder, subduing and desolating the Carnatic.

The prospect is by no means brightened when we look forward to the probable operations in the Channel, and in the Northern Seas, during the course of the ensuing summer. Thirteen new sail of the line would at that time have been added to the fleet of France; and the Dutch force, as it has been accurately stated, by a great naval officer, (commodore Keith Stuart) in this debate, would have amounted to 25 sail of the line. What accession the Spanish force would have received, is not sufficiently known. It is enough for me to state, the fleets of Bourbon and of Holland would have doubled ours in our own seas. Should we have seized the intervals of their cruize, and poorly paraded the Channel for a few weeks, to tarnish again, by flight, the glories of the last campaign? Or should we have dared to risk the existence of the kingdom itself, by engaging against such fearful odds?

What were the feelings of every one who hears me (what were my own feelings it is impossible to describe) when that great man lord Howe set sail with our only fleet; inferior to the enemy, and under a probability of an engagement on their own coasts? My apprehensions, Sir, on this occasion, however great, were mixed with hope; I knew the superiority of British skill and courage might outweigh the inequality of numbers. But, Sir, in another quarter, and at the same instant of time, my apprehensions were unmixed with a ray of comfort. The Baltic fleet, almost as valuable as Gibraltar itself, for it contained all the materials for future war, was on its way to England; and 12 sail of the line had been sent out from the ports of Holland to intercept them. Gibraltar was relieved by a skill and courage that baffled superior numbers: and the Baltic fleet was, I know not how, miraculously preserved. One power, indeed, the hon. gentleman has omitted in his detail:—But the Dutch, Sir, had not been disarmed by the humiliating language of that gentleman's ministry. They were warmed into more active exertions, and were just beginning to feel their own strength. They were not only about to defend themselves with effect, but to lend ten sail of the line to the fleets of France and Spain. Here, Sir, let us pause for a moment of serious and solemn consideration!

Should the ministers have persevered from day to day to throw the desperate die, whose successes had won us only a barren though glorious safety, and whose failure in a single cast would sink us into hopeless ruin? However fondly the ideas of national expectation had diffused themselves amongst the people, the ministers, Sir, could entertain no rational hopes. Those columns of our strength, which many hon. gentlemen had raised with so much fancy, and decorated with so much invention, the ministers had surveyed with the eye of sober reason. I am sorry to say, we discovered the fabric of our naval superiority to be visionary and baseless.

I shall next, with submission to the right hon. gentleman who presides in that department, state, in a few words, the situation of the army. It is notorious to every gentleman who hears me, that new levies could scarcely be torn, on any terms, from this depopulated country. It is known to professional men how great is the difference between the nominal and effective state of that service; and, astonishing as it may appear, after a careful enquiry, 3,000 men were the utmost force that could have been safely sent from this country on any offensive duty.



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But, I am told, Sir, the troops from New York would have supplied us with a force equal to the demands of every intended expedition. The foreign troops in that garrison we had no power to embark on any other than American service; and, in contradiction to the hon. gentleman who spoke last, and to that noble lord whose language he affects to speak in this House, no transports had been prepared, or could have been assembled for their immediate embarkation. Where, Sir, should they have directed their course when they were at length embarked, but into the hazard of an enemy's fleet, which would have cruized with undisputed superiority in every part of the western world.

No pressure of public accusation, nor heat of innocence in its own defence, shall ever tempt me to disclose a single circumstance which may tend to humiliate my country. What I am about to say will betray no secret of state; it is known, for it is felt throughout the nation. There remains at this instant, exclusive of the annual services, an unfunded debt of 30 millions.—Taxes, Sir, the most flattering, have again and again been tried, and, instead of revenue from themselves, have frequently produced a failure in others, with which they had been found to sympathize. But here, Sir, I am told by the hon. gentleman who spoke last, "other nations would have felt an equal distress." Good God! to what a consequence does the hon. gentleman lead us! Should I, Sir, have dared to advise a continuance of war, which endangered the bankruptcy of public faith; for bankruptcy which would have almost dissolved the bonds of government, and have involved the state in the confusion of a general ruin? Should I have ventured to do this, because "one of the adverse powers might have experienced an equal distress?"

The hon. gentleman who spoke last has amused the House with various statements, on the different principles of *uti possidetis* and restitution. The principle of those statements is as false as it is unexpected from him. Did his great naval friend acquaint him with the respective values of Dominique and St. Lucia? that lord, who in his Majesty's councils had advised, and perhaps wisely, a preference of the former. The value of Dominique, Sir, was better known to our enemies; and the immense sums employed by them in fortifying that island, prove as well its present value, as their desire to retain it. That hon. gentleman has, on all occasions, spoke with approbation of the last peace: was St. Lucia left in our hands by that peace, the terms of which we ourselves prescribed? or was St. Lucia really so impregnable as to endanger all our possessions at the commencement of the present war?

It would be needless for me to remind the hon. gentleman who spoke last of any declarations he had made in a preceding session: professions from him so antiquated and obsolete, would have but little weight in this House. But I will venture to require consistency for a single week, and shall remind him of his declaration in Monday's debate, "that even this peace was preferable to a continuance of the war." Will he then criminate his Majesty's ministers by the present motion, for preferring what he would have preferred? or how will he presume to prove, that, if better terms could have been obtained, it was less their interest, than their duty to have obtained them.

Was this peace, Sir, concluded with the same indecent levity, that the hon. gentleman would proceed to its condemnation? Many days and nights were laboriously employed by his Majesty's ministers in such extensive negociations;—consultations were held with persons the best informed on the respective subjects;—many doubts were well weighed, and removed; and weeks and months of solemn discussion gave birth to that peace, which we are required to destroy without examination: that peace, the positive ultimatum from France, and to which I solemnly assure the public there was no other alternative but a continuance of war.

Could the ministers, thus surrounded with scenes of ruin, affect to dictate the terms of peace? And are these Articles seriously compared with the peace of Paris? There was, indeed, a time when Great Britain might have met her enemies on other conditions; and if an imagination, warmed with the power and glory of this country, could have diverted any member of his Majesty's councils from a painful inspection of the truth, I might, I hope, without presumption, have been entitled to that indulgence. I feel, Sir, at this instant, how much I had been animated in my childhood by a recital of England's victories:—I was taught, Sir, by one whose memory I shall ever revere, that at the close of a war, far different indeed from this, she had dictated the terms

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of peace to submissive nations. This, in which I place something more than a common interest, was the memorable æra of England's glory. But that æra is past: she is under the awful and mortifying necessity of employing a language that corresponds with her true condition: the visions of her power and pre-eminence are passed away.

We have acknowledged American independence—that, Sir, was a needless form: the incapacity of the noble lord who conducted our affairs; the events of war, and even a vote of this House, had already granted what it was impossible to withhold.

We have ceded Florida—We have obtained Providence and the Bahama islands.

We have ceded an extent of fishery on the coast of Newfoundland—We have established an exclusive right to the most valuable banks.

We have restored St. Lucia, and given up Tobago—We have regained Grenada, Dominica, St. Kitt's, Nevis, and Montserrat, and we have rescued Jamaica from her impending danger. In Africa we have ceded Goree, the grave of our countrymen; and we possess Senegambia, the best and most healthy settlement.

In Europe we have relinquished Minorca—kept up at an immense and useless expence in peace, and never tenable in war.

We have likewise permitted his most Christian Majesty to repair his harbour of Dunkirk.—The humiliating clause for its destruction was inserted, Sir, after other wars than the past. But the immense expence attending its repair, will still render this indulgence useless; add to this, that Dunkirk was first an object of jealousy when ships were constructed far inferior to their present draught. That harbour, at the commencement of the war, admitted ships of a single deck; no art or expence will enable it to receive a fleet of the line.

In the East Indies, where alone we had power to obtain this peace, we have restored what was useless to ourselves, and scarcely tenable in a continuance of the war.

But we have abandoned the unhappy loyalists to their implacable enemies—Little, Sir, are those unhappy men befriended by such a language in this House; nor shall we give much assistance to their cause, or add stability to the reciprocal confidence of the two states, if we already impute to Congress a violence and injustice, which decency forbids us to suspect. Would a continuance of the war have been justified on the single principle of assisting these unfortunate men? or would a continuance of the war, if so justified, have procured them a more certain indemnity? Their hopes must have been rendered desperate indeed by any additional distresses of Britain; those hopes which are now revived by the timely aid of peace and reconciliation.

These are the ruinous conditions to which this country, engaged with four powerful states, and exhausted in all its resources, thought fit to subscribe, for the dissolution of that alliance, and the immediate enjoyment of peace. Let us examine what is left, with a manly and determined courage. Let us strengthen ourselves against inveterate enemies, and reconciliate our ancient friends. The misfortunes of individuals and of kingdoms, that are laid open and examined with true wisdom, are more than half redressed; and to this great object should be directed all the virtue and abilities of this House. Let us feel our calamities—let us bear them, too, like men.

But, Sir, I fear I have too long engaged your attention to no real purpose; and that the public safety is this day risked, without a blush, by the malice and disappointment of faction. The hon. gentleman who spoke last has declared, with that sort of consistency that marks his conduct, "Because he is prevented from prosecuting the noble lord in the blue ribbon to the satisfaction of public justice, he will heartily embrace him as his friend." So readily does he reconcile extremes, and love the man whom he wishes to persecute! With the same spirit, Sir, I suppose he will cherish this peace too—because he abhors it.

But I will not hesitate to surmise, from the obvious complexion of this night's debate, that it originates rather in an inclination to force the earl of Shelburne from the Treasury, than in any real conviction that ministers deserve censure for the concesions they have made: concessions, which, from the facts I have enumerated, and the reasoning I have stated, as arising from these facts, are the obvious result of an absolute necessity, and imputable, not so much to those of whom the present cabinet is composed, as to that cabinet of which the noble lord in the blue ribbon

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was a member. This noble earl, like every other person eminent for ability, and acting in the first department of a great state, is undoubtedly an object of envy to some, as well as of admiration to others. The obloquy to which his capacity and situation have raised him has been created and circulated with equal meanness and address: but his merits are as much above my panegyric, as the arts, to which he owes his defamation, are beneath my attention. When stripped of his power and emoluments, he once more descends to private life without the invidious appendages of place; men will see him through a different medium, and perceive in him qualities which richly entitle him to their esteem. That official superiority which at present irritates their feelings, and that capacity of conferring good offices on those he prefers, which all men are fond of possessing, will not then be any obstacle to their making an impartial estimate of his character. But notwithstanding a sincere predilection for this nobleman, whom I am bound by every tie to treat with sentiments of deference and regard, I am far from wishing him retained in power against the public approbation; and if his removal can be innocently effected, if he can be compelled to resign without entailing all those mischiefs which seem to be involved in the resolution now moved, great as his zeal for his country is, powerful as his abilities are, and earnest and assiduous as his endeavours have been to rescue the British empire from the difficulties that oppress her, I am persuaded he will retire, firm in the dignity of his own mind, conscious of his having contributed to the public advantage, and, if not attended with the fulsome plaudits of a mob, possessed of that substantial and permanent satisfaction which arises from the habitual approbation of an upright mind. I know him well: and dismiss him from the confidence of his sovereign, and the business of state when you please, to this transcendant consolation he has a title, which no accident can invalidate or affect. It is the glorious reward of doing well, of acting an honest and honourable part. By the difficulties he encountered on his accepting the reins of government, by the reduced situation in which he found the state of the nation, and by the perpetual turbulence of those who thought his elevation effected at their own expence, he has certainly earned it dearly: and with such a solid understanding, and so much goodness of heart as stamp his character, he is in no danger of losing it. Nothing can be a stronger proof that his enemies are eager to traduce, than the frivolous grounds on which they affect to accuse him. An action, which reflects a lustre on his attention to the claims of merit,* has yet been improved into a fault in his conduct. A right hon. gentleman, who has exhausted his strength in the service of the state, and to whose years and infirmities his absence from parliament can only be attributed, owes to the friendship and interference of the noble earl a pension, which, however adequate to all his necessities and convenience in the evening of life, is no extraordinary compensation for the public spirit which has uniformly marked his parliamentary conduct. Surely the abilities and virtues of this veteran soldier and respectable senator, deserved some acknowledgment from that community in which they have been so often and so manfully exerted. Surely his age entitled him to a little repose in the lap of that public to whose welfare his youth had been dedicated. Surely, that principle of humanity, which stimulates those in power to commiserate in this manner the situation of neglected merit, possesses a nobleness, a generosity, a benevolence, which instead of incurring the censure of any, ought to command the admiration and praise of all.

I repeat then, Sir, that it is not this treaty, it is the earl of Shelburne alone whom the movers of this question are desirous to wound. This is the object which has raised this storm of faction; this is the aim of the unnatural coalition to which I have alluded. If, however, the baneful alliance is not already formed, if this ill-omened marriage is not already solemnized, I know a just and lawful impediment, and, in the name of the public safety, I here forbid the banns.

My own share in the censure, pointed by the motion before the House against his Majesty's ministers, I will bear with fortitude, because my own heart tells me I have not acted wrong. To this monitor, who never did, and, I trust, never will, deceive me, I will confidently repair, as to an adequate asylum from all the clamour which interested faction can raise. I was not very eager to come in, and shall have no great reluctance to go out, when-

*Alluding to the pension granted to colonel Barré.

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ever the public are disposed to dismiss me from their service. It has been the great object of my short official existence to do the duties of my station with all the ability and address in my power, and with a fidelity and honour which should bear me up, and give me confidence, under every possible contingency or disappointment. I can say, with sincerity, I never had a wish which did not terminate in the dearest interests of the nation. I will at the same time imitate the hon. gentleman's candour, and confess, that I too have my ambition. High situation, and great influence, are desirable objects to most men, and objects which I am not ashamed to pursue, which I am even solicitous to possess, whenever they can be acquired with honour, and retained with dignity. On these respectable conditions, I am not less ambitious to be great and powerful than it is natural for a young man, with such brilliant examples before him, to be. But even these objects I am not beneath relinquishing, the moment my duty to my country, my character, and my friends, renders such a sacrifice indispensable. Then I hope to retire, not disappointed, but triumphant; triumphant in the conviction that my talents, humble as they are, have been earnestly, zealously, and strenuously, employed to the best of my apprehension, in promoting the truest welfare of my country; and that, however I may stand chargeable with weakness of understanding, or error of judgment, nothing can be imputed to my official capacity which bears the most distant connection with an interested, a corrupt, or a dishonest intention. But it is not any part of my plan, when the time shall come that I quit my present station, to threaten the repose of my country, and erect, like the hon. gentleman, a fortress and a refuge for disappointed ambition. The self-created and self-appointed successors to the present administration, have asserted with much confidence, that this is likely to be the case. I can assure them, however, when they come from that side of the House to this, I will for one most readily and cordially accept the exchange. The only desire I would indulge and cherish on the subject is, that the service of the public may be ably, disinterestedly, and faithfully performed. To those who feel for their country as I wish to do, and will strive to do, it matters little who are out or in; but it matters much that her affairs be conducted with wisdom, with firmness, with dignity, and with credit. Those entrusted to my care I will resign, let me hope, into hands much better qualified to do them justice than mine. But I will not mimic the parade of the hon. gentleman in avowing an indiscriminate opposition to whoever may be appointed to succeed. I will march out with no warlike, no hostile, no menacing protestations; but hoping the new administration will have no other object in view than the real and substantial welfare of the community at large; that they will bring with them into office those truly public and patriotic principles which they formerly held, but which they abandoned in opposition; that they will save the state, and promote the great purposes of public good, with as much steadiness, integrity, and solid advantage, as I am confident it must one day appear the earl of Shelburne and his colleagues have done, I promise them, before-hand, my uniform and best support on every occasion, where I can honestly and conscientiously assist them.

In short, Sir, whatever appears dishonourable or inadequate in the peace on your table, is strictly chargeable to the noble lord in the blue ribbon, whose profusion of the public's money, whose notorious temerity and obstinacy in prosecuting the war, which originated in his pernicious and oppressive policy, and whose utter incapacity to fill the station he occupied, rendered peace of any description indispensable to the preservation of the state. The small part which fell to my share in this ignominious transaction, was divided with a set of men, whom the dispassionate public must, on reflection, unite to honour. Unused as I am to the factious and jarring clamours of this day's debate, I look up to the independent part of the House, and to the public at large, if not for that impartial approbation which my conduct deserves, at least for that acquittal from blame to which my innocence entitles me. I have ever been most anxious to do my utmost for the interest of my country; it has been my sole concern to act an honest and upright part, and I am disposed to think every instance of my official deportment will bear a fair and honourable construction. With these intentions, I ventured forward on the public attention; and can appeal with some degree of confidence to both sides of the House, for the consistency of my political conduct. My earliest impressions were

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in favour of the noblest and most disinterested modes of serving the public: these impressions are still dear, and will, I hope, remain for ever dear to my heart: I will cherish them as a legacy infinitely more valuable than the greatest inheritance. On these principles alone I came into parliament, and into place; and I now take the whole House to witness, that I have not been under the necessity of contradicting one public declaration I have ever made.

I am, notwithstanding, at the disposal of this House, and with their decision, whatever it shall be, I will cheerfully comply. It is impossible to deprive me of those feelings which must always result from the sincerity of my best endeavours to fulfil with integrity every official engagement. You may take from me, Sir, the privileges and emoluments of place, but you cannot, and you shall not, take from me those habitual and warm regards for the prosperity of Great Britain, which constitute the honour, the happiness, the pride of my life; and which, I trust, death alone can extinguish. And, with this consolation, the loss of power, Sir, and the loss of fortune, though I affect not to despise them, I hope I soon shall be able to forget:

> Laudo manentem. Si celeres quatit
> Pennas, resigno quæ dedit—
> ——————probamque
> Pauperiem sine dote quæro.

Sir *Cecil Wray* thus explained himself, in answer to Mr. Fox:—The confusion in which I felt myself, when on my legs, may very probably have made me misunderstood: Sir, my words were, that I would not support any administration in which the lord in the blue ribbon bore a part. I have been, Sir, in a constant opposition for these 14 or 15 years to his administration; I did it because the noble lord had high prerogative principles, because he involved us in the cursed American war, the cause of all our ruin; because I constantly heard him accused from this side of the House for want of wisdom; my opinions were not therefore lightly adopted, and are never to be eradicated. Sir, I have not, it is true, been in a habit of making ministers; my life has been spent in pulling them down; but had I the power to make them, my hon. friend should be the first; his constitutional principles, activity, and wisdom well deserve it. By one imprudent connection he has once burnt his fingers, by a second more imprudent connection he may burn them a second time. Should this be the case, he will have himself to thank, not me.

Lord *North* said:—I stand up, Sir, late as it is, and much as has been said, to make some reply to that part of the debate especially, which concerns me and my friends. Several of the speakers have addressed much of their invectives against me, and those with whom I acted. A great deal has been thrown out on my supposed criminality, and those imaginary artifices to which it is alledged I owe my safety. The last speaker, whose amazing eloquence so deeply affected every member in the House, did me the honour to single me out as the object of his thunder. And it is no small presumption of my innocence, that I could hear him thunder without being dismayed, and even listened to his thunder with a mixture of astonishment and delight. But I must beg that hon. gentleman, and every hon. gentleman in this House, who now hears me, to observe, that I never abandoned, in a single instance, either my character, my connections, or my political principles; that I have ever been ready, fairly and honourably to meet the most scrupulous enquiry into the minutest action of my life; that I am even now ready to stand forth, and bid every species of such investigation defiance; and that, conscious of my own innocence, I am under no apprehension of either incurring censure, or deserving punishment. In this conviction, I will never be silent, when the cause of my country calls upon me to speak out. As this great object ever has, and ever shall determine my political conduct, I shall not think myself censurable, whoever they are, who think themselves bound in duty to act a similar part, or to speak the same decided language. I should be extremely sorry, indeed, if there was a single honest man in the whole kingdom who could not join me from his heart in asserting what is, in my opinion, the honour of the British empire; but if there exists, or if it can be proved that there exists the least substantial cause for a declaration so humiliating to me, I will pledge myself to the House, from this moment, that I will never henceforth put myself in a situation to make it necessary for any worthy man, who thinks or feels in this manner, to act officially with me.

Much has been said about a coalition, that seems very much to surprise the House. For my own part, there is nothing in it that surprises me: the noble

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lord who made the motion, has uniformly discovered himself possessed of so amicable and upright a character; to be actuated by principles so purely patriotic and disinterested; to exhibit dispositions so singularly engaging and manly; that however we may have for many years past unfortunately differed in our sentiments on public affairs, yet I never once had the least occasion to believe, or even to suspect, that the noble lord, when most strenuous in opposition to such measures as were then carrying on, and he thought himself bound in conscience to condemn, indulged any thing like personal rancour or disrespect to me. That these measures were unwise, impolitic, and injudicious, he certainly thought, and may still think; I can only say and lament that they were extremely unfortunate. However proper, and even necessary they then appeared to many wise and able statesmen, as well as to myself, now that we can judge from events, it cannot be denied, that their consequences to this country are extremely calamitous. But there are certainly times and circumstances, and emergencies, when it highly becomes all honest men, of every party and description, manfully to relinquish their personal feuds and temporary animosities, and unite their serious efforts, by one generous exertion, in the common interest. It is, then, that mutually convinced of the integrity and honour of each others intentions, however much they may have differed in carrying those intentions into execution, could fairly meet in one cordial body for the public good. Every individual, inspired by the genuine love of his country, would then think it his duty to abate somewhat of the violence with which his former opinion was maintained, and form a junction at once honourable to himself, and serviceable to his country. When, for example, a character so universally allowed to be of the first distinction for public virtue as that of the noble lord, and whose political principles were so liberal and constitutional, does me the honour to offer me his friendship and concurrence in discharging the duty which we owe to the public, I think myself happy to receive that honour with cordiality, to embrace his proposition with sincerity, and to rejoice at a circumstance which, in my opinion, promises to terminate in the general advantage. The noble lord's animosity to me, thank God, is now at an end; and I trust that our coalescence will not be attended with any consequences in the smallest degree prejudicial to the country. Our union is on public principles; and to the public we shall always be ready to give in a just account of our stewardship.

The other hon. gentleman, whose astonishing capacity and abilities give his country such a just claim to his services, and which have long and solidly established his influence in this House, has also engrossed much attention from many of those gentlemen who have spoken against the resolution. He, too, has been brought in, as a co-partner with me, in that ridicule and invective which has characterised, and given so pleasant an edge to the debate. It is very true, that, in this House, that hon. gentleman, when warm in the cause he espoused, has not spared me; he thought himself right, and I was not willing, while unconvinced, to acknowledge myself wrong. Many a time, when, as the hon. gentleman (Mr. Powys) over the way, expressed it, I have been vilified, and grossly reprobated, and abused as every unfortunate minister will be, that hon. gentleman (Mr. Fox) undoubtedly ran me hard, and not unfrequently made me the butt of those inexhaustible powers of ridicule and asperity, which so eminently distinguish his eloquence. But however my official conduct might have been culpable for want of wisdom and capacity, I hope it never merited censure, as being destitute of zeal to promote what I then conceived to be the true interests of Great Britain. And notwithstanding that bold and decided manner in which the hon. gentleman espoused a very different part from me, it does not occur to my recollection that he ever charged me with the direct want of integrity. In the early part of that hon. gentleman's political career, when I had the happiness to possess his confidence and friendship, I always found him open, manly, and sincere; I knew his temper to be warm, but his nature is generous; and at the same time that I admire the vast extent of his understanding, I can rely on the goodness of his heart for security. As an enemy I have always found him formidable, and a person of most extraordinary talents to whatever minister he opposes. But in proportion as I had reason to dread him, while his principles were adverse to mine, now they are congenial, we shall unite with one mind and one heart in the cause of our country, with the greater certainty of success. And let me hail it as an auspicious circumstauce in our country's

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favour, that those who were divided by her hostilities, are cemented by her peace.

The hon. gentleman who spoke last, roundly charges me with stickling blindly for prerogative. I do not know on what premises he forms this very logical conclusion. I certainly have fully and frequently asserted the prerogative of parliament to bind those colonies, which were then united to this country, by every tie of duty and obedience. But I defy him, or any other hon. gentleman, to specify a single instance in which I ever attributed to the crown any other prerogative than is vested in it by the constitution, or than it is acknowledged to possess by every sound Whig, and by all those authors who have written on the side of liberty. I never did, or wished to extend this branch of the legislature one inch beyond those limits which are prescribed to it by law. And however loudly, at one time especially, the clamour against me had been as a minister desirous of ruling only by the influence of the crown, I flatter myself it has already been found a charge totally untrue. After all, whatever opinion may be formed of that coalition to which gentlemen have so frequently alluded, the noble lord and the hon. gentleman know me too well either to require or expect that I should sacrifice any one of my public principles, or do any thing to purchase their friendship (desirable as it is when obtained on fair and honourable grounds) in the smallest degree incompatible with my pretensions.

In Monday's debate, I asked if Congress were unable to raise a farthing for prosecuting a war in the heart of their own country, was it to be supposed that their contributions would be either liberal or cheerful for extending their hostilities to a foreign one? Have we then any thing to fear from their offensive exertions? I then likewise stated that they were so determined not to grant the loyalists what it was the duty to insist upon in their behalf; that they would rather have suffered a continuance of the war. I have had an opportunity since of satisfying myself more fully of the fact, and find my information to be authentic in every respect. In most of the states they refused to pay the tax levied by Congress for the service of the war. The Rhode islanders in particular rose forcibly on the officers who came to collect it, and drove them away. In Massachusets the tax was discounted in the province, and consequently never carried to the public account. These facts demonstrate strongly that, had our ministers been more peremptory than they were, the poor loyalists had not been so utterly abandoned, nor Great Britain degraded by terms so unequal to her dignity.

The very treaty of Utrecht was not by any means so disadvantageous as the present peace. Not all the eloquence of the hon. gentleman, (Mr. Pitt) great as it is, will ever be able to satisfy the public that her interests have not been sacrificed to an inadequate and premature accommodation. The article of Dunkirk will be to this country a lasting monument of her impotence, disgrace, and temerity. The East and West Indies have been obliged to relinquish British liberty for French despotism. And it requires a very different kind of oratory from any I have yet heard in this House to persuade me that these humiliating terms are sufficiently accounted for by our present political circumstances. Possessed of these ideas, it will not be easy to shew that I shall depart from my former declarations by voting, as I now do, for the present motion. Nor does it appear to me a just consequence, that carrying it necessarily drives the hon. gentleman in my eye from the service of the public. The noble lord who made this motion offers to adjourn the debate, if his Majesty's ministers will say that they think the production of papers necessary to throw further light on the subject, or will produce them. This is so fair a proposition, that the minister who shall refuse it justly deserves to be found in the minority. The recognition of the American independence is, in my mind, an object of the greatest national magnitude that ever came under parliamentary discussion. For my own part, I should long ago have given my consent to grant it unconditionally, had I once dreamt the reserving that grant could have been made so little use of, or in so small a degree rendered subservient to public advantage.

Mr. Secretary *Townshend* said, if gentlemen would consider all things, the peace would be found as good a one as the situation of the country would admit of, or that there was any right to expect. The noble lord and gentlemen might imagine, that if the war had been continued another campaign, something more might have been done; but it was the opinion of many others, high in respect and profession, that before the end of another year,

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there would have been great danger, had hostilities been continued, of America being in possession of Quebec. To contend against so many confederated powers, was not like contending against one only, and the negociation was equally difficult in the same manner of comparison; added to this, we were unallied, and had the fears of a large armed neutrality upon us. The noble lord, in his own administration, had been able to prevent these combined armaments of the neutral, which in the course of things must have operated to the disadvantage of this country, and to the efforts of those who had to negociate on behalf of it. Something having, in the course of the debate, dropped relative to the protection of the West India islands, and that reinforcements might have been sent from the army at New York, the right honourable Secretary stated to the House the reasons of government for not acting in that manner. Part of the troops at New York were the subjects of a foreign prince, and could not be commanded upon any service that had not been agreed upon at the time of contracting for them. Another part was provincial troops, and were ineligible to the service; these two descriptions of forces being taken away, left the number very few, which were English. If the British troops had been ordered upon the service, there were at that time sufficient reasons to be alarmed for their safety. Even if a sufficient quantity of troops could have been spared from New York, there were no transports to convey them to the place that required their services. Sir Henry Clinton and others had been consulted how far it might be prudent to weaken the garrison of New York, and all their advices had been against it. Gentlemen might remember, that sir Henry would not spare a man to the fleet, when it appeared off that port, and the commander required it. The noble lord had, on Monday, agreed to the peace, that is, he had admitted the necessity of it; he then expressed himself to be unprepared to speak his mind fully upon it; but since that time had seemingly collected wonderful information. How had the time of the House been employed? It might not be amiss to take a retrospective view of this. First, on account of the late hour at which the House broke up, there was no meeting on Tuesday, and on Wednesday the call of the House took place. On Thursday they had heard a very long and eloquent speech from the bar on behalf of sir Thomas Rumbold; yet notwithstanding this, the noble lord had found time to inform himself, and gain every information necessary to speak decidedly to that which on Monday he confessed himself incompetent to do. He could by no means suffer the words in the motion to pass.

Mr. *Fox* confessed, that when he had the honour to bear a part in the administration, he had done wrong with respect to the troops at New York, and his successors in office had done wrong by following him: if the foreign troops were at first restrained by agreement from going upon any other service than that required in the part where they were stationed, administration should have applied to the landgrave for the purpose of getting quit of such an impediment. But even admitting this to have been done, the same number of troops would still have been wanting on the frontiers, so that an equal number must have been found to supply the place of those withdrawn. Then where was the difference of employing them, and making up the number from elsewhere, or sending troops at once to the West Indies? The rt. hon. gentlemen had said, that if all other obstacles had been removed, there was a want of transports for conveyance. Now, he assured the House, and he spoke from the authority of the first lord of the Admiralty, that there were the means of transporting the men if the measure had been advised. Mr. Fox declared he was still of the same opinion as on Monday, and in the early part of that evening he had so expressed himself. If ministers had any means of exculpation, let them make use of them; he wished to see some; nothing appeared in their favour at present. If the state of the navy should appear inadequate to what it ought to be, that would be some excuse for the badness of the peace; he should think it as such; but till this had been made to appear, he must remain fixed in his opinion upon it.

Mr. *Thomas Pitt* declared, he had never felt so much uneasiness in the course of his parliamentary conduct as on that day. The House had heard a direct avowal of the deepest system of party, that had ever been acknowledged within those walls. What was the country, gasping for her existence, to expect, when men of the first abilities, instead of turning their attention solely to the promoting of her interests, were engaged in an open struggle for power, and at a moment, when mea-



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sures of the most deliberate and solemn nature were agitating, had no purpose in view but the building up a new administration, on the ruins of that, to which this country was under the greatest obligations, for having restored to her the blessings of peace. The noble lord's speech reminded him of a story he had heard when a boy, which was said to have happened at the town of Bury. The story went, that one brother, from motives of the basest self-interest, assassinated another, and left him, as he thought, for dead; when lo, after the villain had reached his home, and been there about two hours, he was struck with the horrible sight of his mangled and bleeding brother, yet alive, who had reached the house, and was crawling into the room where he sat with some company. The humanity of those present had the wounded man put to bed, and his wounds dressed; but at midnight the savage barbarian went alone to his brother's chamber, tore the dressings off his wounds, and caused his death, and when put upon his trial, had the astonishing hardiness to plead not guilty to a charge of cutting and maiming, agreeable to the statute; resting his defence on the shameless and savage plea, that his intention had been not to maim, but to murder. So the noble lord in the blue ribbon, after having assassinated and maimed his country, had the effrontery and inhumanity, to drag her mangled carcase before that House, to tear the dressings from her wounds, and to put her in danger of losing her existence.

Mr. *D. Hartley* charged the chancellor of the exchequer with having made a speech ruinous to his country, and calculated to render us the contempt of every foreign power. He went into an examination of our naval and military strength, and of our finances, and contended, that neither were in so weak nor in so exhausted a state, as the right hon. gentleman had stated them to be. He should vote for the motion.

Colonel *Onslow* reprehended Mr. T. Pitt for his harsh attack on lord North. He said, such sort of language and argument was unparliamentary, and should never be resorted to without his rising to reprehend it. He would ever maintain, that the noble lord was as honest a man, and had been as able and upright a minister as ever managed the public affairs of a great kingdom. He adverted to the coalition, and said, that much good might arise from the junction of two such opposite parties. The violence of the one, and the moderation of the other, would prove mutually advantageous, and he did not doubt would be productive of great good to the kingdom.

Mr. *Martin* declared the political junction to be unnatural, and what he could never approve of; for it was calculated to destroy the object which lay nearest to his heart.

Mr. *Wilmot* said: It is with the utmost reluctance I obtrude myself upon the House; nor should I venture to do it, if I did not find myself impelled by a sense of duty, to make a few observations on a part of the peace, in which I feel myself much interested for the honour of my country, and which I consider in quite a different light, and for different reasons than any person who has before spoke, either to-day or when the subject was last before the House. Sir, I mean that part of it which relates to the American loyalists, and which is a part of the peace that is most blamed. We have been told that this part of the treaty is the most dishonourable, the most infamous, the most disgraceful, and the most treacherous of the whole, because it strikes at the very honour and honesty of the nation, in deserting and abandoning your best friends, those who have sacrificed every thing that can be dear to men for your service. Sir, I cannot help congratulating myself on seeing a disposition on every side of the House, notwithstanding former prejudices, to protect and support those who have suffered from their loyalty to his Majesty, and their attachment to the British government, and which his Majesty so strongly recommended to his parliament at the opening of this session. I am very sensible of the merits of those unfortunate persons, and I do declare, notwithstanding the prejudices that were formerly entertained against them, they are, with some exceptions, persons of the greatest merit, and entitled to every consideration from this country; there are no lengths, consistent with justice to the nation at large, that I would not go to serve them; I would share with them my last shilling and my last loaf, as was said by an hon. gentleman the last day this question was debated; and if the legislature of this country was not disposed to do them the justice they deserved, I would be the first to open a subscription in their favour, and commence it by subscribing a moiety of all I am worth in the world. But, Sir, here I beg leave to make

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a distinction; I do not concur in those opinions as to the practicability of subduing America by force, which they have always maintained, and which they now to this day maintain; nor consequently do they approve, but on the other hand, reprobate the granting independence to that country, which they consider not only as a disgraceful, but as an unnecessary step in the mother country. This political opinion they blend with the consideration of their own unfortunate cases. Sir, I believe their opinion is an honest one; I believe it proceeds from their conviction; but here I cannot agree, though I do not blame them; if I blame any, it is those who have listened to them too long, and were convinced by them on a subject, of which they were incompetent judges, because they were parties, and saw it only in a partial light. This error in judgment, however, if it be one, should not render them less the objects of the justice and liberality of the nation. But, Sir, these persons are only one part of the American loyalists, and it will be material for the House to consider who the American loyalists are. They consist of two descriptions of people, both agreeing in their loyalty to his Majesty, and attachment to the British government, but with this difference, that the one are either in this country, or under the protection of his Majesty's troops in the different parts of America; the other, by much the most numerous, and absolutely in the power of the enemy, who are still inhabitants of the United States, and who, notwithstanding all the hardships which they have undergone, have still preserved their loyalty to his Majesty, and whenever occasion has served, have exerted themselves for his interest. Now, Sir, though I do not mean to assert, nor do I believe that the friends to this country in America are any thing like the proportion of five to one, as has been often asserted, yet I have reason to think they are a considerable number; if only one-fifth or one-tenth of the inhabitants of that country, surely it is something to have secured protection for all those persons from "future confiscation and prosecutions, by reason of the part which they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property." Vide 6th Article.—To stop here for a moment, I beg leave to ask what would have been the consequence, if America had been, according to the plan of one right hon. gentleman, declared, *ipso facto*, independent by an act of parliament; or if, according to the suggestion of a noble lord, there had been no mention at all in this treaty of the American loyalists? Would not all these persons have been at the absolute disposal of their enemies, without the least hope of redress? And will it be said, that because perhaps, comparatively, these persons have not so much merit as those who fled and left the country to come over here for protection, and certainly not as those who exerted themselves in active service, that therefore their interests were not to be attended to. Sir, those who came over here it was in your power to protect and reward, in proportion to their respective losses and merits, and particularly those few who were engaged in active service, and who, unequivocally, risked their lives in what appeared to them the just cause of the British government. I beg leave to observe, that this is not a recommendation from the Congress, but that this is a direct and positive stipulation on the part of the United States, and which they cannot elude without a direct breach of the same treaty, which establishes and recognizes their own independence. But this is not all; for this article not only affects and quiets the possessions and the liberties of those who are inhabitants of the United States, but it also materially affects and reclaims many of that other description of the loyalists who have left that country, and who are either here, or under the protection of his Majesty's troops in America: as there are many persons of that description whose estates have not been confiscated, and I know some of them in this country who will, or think they will, recover their estates again under that article; for there is no exception in it, and it is for the benefit of all those whose estates have not been actually confiscated, whatever has been the part they may have taken in the war.

Now with regard to the other loyalists, namely, those who have borne arms against the United States, there is certainly no direct and positive stipulation in their favour, so that they can be restored to the immediate possession of their estates; but what I shall state to the House is, that there are some provisions in the treaty which have not been adverted to, and that all the care has been taken of them that could reasonably be expected. Sir, I sincerely wish more could have been effected for

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them, and it is not without the most poignant grief when I consider their sufferings, though I think and trust it is in the disposition, as well as in the power, of this country to alleviate, and in some measure to compensate them. But, Sir, I look upon this circumstance, of their not being restored to their estates, as one of the most lamentable, but one of the inevitable consequences of the fatal termination of this calamitous war; but there is another consequence which seems to be almost forgotten, and which, in my opinion, is more lamentable, because it is without remedy, and because its pernicious effects will be felt to the latest posterity; I mean, Sir, the independence of America, and when I say it is a more lamentable one, I mean because I apprehend the other it is in the power of this country to remedy and relieve, by much more easy means than are generally imagined, as I shall endeavour to explain by and by. The independence of America being now no longer the object of contest between parties, seems hardly to deserve even a parting sigh; I most certainly do agree, with every man of common humanity, in wishing that better terms could have been procured for the American loyalists; but I do not think it was to be expected, that at the end of a successful rebellion, in which this country had been beaten, that those who were victorious should on any terms give up their estates and possessions again to those with whom they had been contending; that the victors should give up to the vanquished, was, I think, in no case to have been expected, and it was most preposterous to expect it. If we had not made peace till that point was given up, we must have gone to war to all eternity; but is it a reason, because you cannot obtain the utmost of your wishes, that therefore you should neglect that which can be obtained? Or, because those who have the most merit as to this country, and are the most persecuted by your enemies on that very account, that therefore you are to abandon and desert them? On the contrary, I understand it to be the intention of government, and has always been their intention, and it has his Majesty's recommendation, to make some solid provision for those who shall not be relieved under the treaty itself; and perhaps in the end those persons will have no cause to complain, who are recompensed with sterling money, instead of a ruined estate, or American paper currency; but surely it is not consistent with prudence, and with that œconomy which seemed some time ago to be the darling favorite of this House, to pay the debts of others before we see what chance there is of their being discharged by the debtors themselves. But, considering the state of that country, I can easily imagine reasons, why it may not be proper, at this time, to unfold every expectation on that subject. This, however, I may assert, that it is my opinion, many persons will obtain the restitution of their estates under that article, in some of the United States, though they should not in all of them; but here again, Sir, it is said, that you have made better terms for those who have not borne arms, than for those who have, and that therefore the distinction is treacherous and ungrateful; but I beg leave to insist, that this article does not describe the degree of merit those persons have *quoad* Great Britain, or the proportion in which they shall be compensated or rewarded, but only how far the United States should contribute to this restitution, in case their recommendation should have any effect. But those persons who complain of this distinction, which they load with so many odious epithets, would do well to recollect, that according to their argument the distinction will not take place, because they argue, that the whole provision is nugatory, and of no effect. Now, if from the nature of the case, and from the unfortunate event of the war, which I can never too much deplore, we are not able to make our enemies provide for those who deserve the best at our hands, that is no reason we should not make the best stipulation we can for others of our friends, not only because it is consonant to common sense and common justice, but that we may the more easily, the more effectually, and the more amply provide for the rest ourselves.

But the truth is, that the number of those who have borne arms against the United States, and who had any estates to confiscate, is made better than what is generally imagined. As to the other part of the American sufferers, namely, merchants, tradesmen, civil officers, the clergy, the military, and other professions, these have hitherto, and will undoubtedly continue to receive the protection of the legislature, till they can provide for themselves in their several professions; and here I must do the present administration the justice to say, that they have shewn a disposition to engraft, and adopt them into

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the different establishments in this country, which will operate both as a service to the individual, and a saving to the public; but I beg leave farther to mention, that there are two express stipulations in the treaty which will be of great service to those persons, as well as to the whole body of the loyalists, whether in America or Great Britain, namely, that "creditors on either side shall be at liberty to recover their debts, in sterling money;" and another, "that all persons, who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall be at liberty to prosecute their just rights;" and I must add, that it has come to my knowledge, within this week, that persons of these different descriptions in this country, I mean landowners, creditors, and persons having an interest in confiscated lands, expect to derive a benefit from those provisions. But, perhaps, it will be said, congress will never keep their faith in these particulars, and it is in vain to expect they will ever derive any benefit from them. To this I answer, this is an objection to every provision you could have made for them, and the stronger to such as are the most liberal; and I confess, I should have suspected too much liberality, and too many promises on this occasion.—I hope, Sir, I have now made out what I proposed, that there are some provisions in this treaty which have not been adverted to, and that every thing has been done in their favour that could be reasonably expected, though not every thing that could be wished, because no bounds could be set to our wishes in favour of those persons who have risked their lives, and sacrificed their fortunes in the cause of Great Britain; that the treaty does provide effectually and completely for by much the greatest part of the American loyalists, that the interests of the remainder are attended to; that the number of those, who will derive no benefit from the treaty, are few in comparison of the rest, and that they will be provided for, as is most just, at a much more moderate expence than is generally imagined, and which I am most happy to see the House and the nation disposed to, by which not only the honour and justice of the nation will receive no stain or blemish, but its liberality and public faith will be applauded throughout Europe.

Having thus endeavoured to rescue my country from the imputation of treachery and ingratitude to its friends, I shall say a very few words on the other parts of the peace. Upon the whole, Sir, it meets with my hearty approbation, and I am confident, that a very few weeks ago, every man in this nation would have leaped for joy to have obtained the blessings of peace, even upon more disadvantageous terms. The noble lord in the blue ribbon told us, we could not expect an honourable, an advantageous peace. He has long prepared us for what we were to expect. Sir, this is a war in which we were not fighting for glory or for conquest, we have been long awakened out of those delusive and deceitful dreams; we have been fighting these four years for our very existence. Considering the finances of this country, and the numerous enemies we had to contend with, peace was necessary at all events, even victory or conquest only protracted our ruin. What effect had that most splendid victory of lord Rodney? It saved Jamaica for that campaign; but with the fleet assembled at Cadiz, and the assistance of the Dutch, would not the same island, and indeed the whole of our commerce, have been in the most imminent danger, and especially as it could not be expected that Gibraltar would have been of that service it has hitherto been, in diverting the attention of the enemy. Thinking, therefore, as I do, that, upon the whole, the peace is a desirable one, I see the resolution, now proposed, in no other light than as casting a reflection upon ministers, when, in my opinion, they deserve the thanks of the nation; and if the concessions were greater than what the enemy was entitled to, it does not follow, that ministers are therefore to blame, because the true question upon this peace is, whether the concessions are, upon the whole, greater than it was the interest of this country to accede to, rather than continue so calamitous a war, and which nobody has ever ventured to assert, and I could have wished that some amendment of that nature had been made by some person of more consequence than myself, early in the day, that the genuine sense of the House might be known upon that proposition. But thank God, Sir, the contest is now about men, not measures, and I think we ought to be grateful for the peace.

The question being put, "That the concessions made to the adversaries of Great Britain, by the said provisional treaty and preliminary articles, are greater than they were entitled to, either from the

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actual situation of their respective possessions, or from their comparative strength:" the House divided at half past three o'clock, when the numbers were,

Tellers.

| | | | |
|---|---|---|---|
| YEAS | Lord Maitland<br>Mr. Byng | | 207 |
| NOES | Lord Mahon<br>Mr. Macdonald | | 190 |

Majority for censuring the terms of the peace, 17. Lord John Cavendish then withdrew the motion relative to the loyalists, and the House adjourned.

*Petition for a Reform in the Representation.*] Feb. 24. Mr. *Duncombe* presented the Yorkshire petition for a more equal representation of the people in parliament. He said, that it was signed by 10,000 freeholders of the county of York; a number greater by 1,700 than the petition contained which was sent to that House a few years ago, praying for œconomy in the expenditure of the public money: over against the name of each of the petitioners was a column, containing the name of the freehold, in right of which each had signed the petition as a freeholder. He then launched into a panegyric of Mr. Pitt, who had undertaken to bring the state of the representation before parliament, censured lord North for having declared himself an enemy to reformation on that question, and said that it would be with reluctance that he should support an administration of which that noble lord should form a part.

Mr. *Burke* wished the hon. member had waited till that noble lord had been present, before he attacked him for his sentiments on the measure which the petition was calculated to promote: the noble lord had not, in fact, said that he was an enemy to reformation; but he had said, that he was an enemy to any alteration in the constitution of this country. As to the support which the hon. member said he would reluctantly give to any administration of which the noble lord should form a part, he would only say, that, in his opinion, it ought never to be given or withheld on account of men, but of measures: the hon. member, however, seemed to think differently; for he was resolved to consider men, and not measures: now, for his own part, he would say, that, in general, it was with reluctance that government ought to be opposed, and that the measure should call forth support, even where the men were disliked; and no government should ever have his support, whose measures should not be such as would make even the most reluctant give them the strongest support: such an administration, he hoped, would be the result of the arrangements now carrying on; for the country stood in need of a strong administration.

Mr. *Duncombe* said that he had not dropped a single expression respecting the noble lord in his absence, which he would not have used if he had been present: he might have been incorrect in the choice of the word reluctance, with respect to supporting an administration of which the noble lord should be a member; he would therefore mend it, and say, that he never would give any support to such an administration; and in thus speaking of that noble lord, he wished to have it thought that it was the measure he had in view rather than the man: for from past measures he judged what the noble lord was capable of; and thence he concluded, that he would act in future as he had for the past; and therefore, if he was an enemy to the man, it was on account of his measures, for the measures shewed the man.

Mr. *W. Stanhope* expressed his surprise at seeing an hon. gentleman stand up the defender of a noble lord, whom that very member had more than once declared to be a fit object for impeachment, and against whom he once went so far as to say, that he had an impeachment ready drawn in his pocket. He said, the petition was supported by the lord-lieutenant of the county, and signed even by the commander in chief in that district, who was a freeholder of the county.

The petition was ordered to lie upon the table.

*Petition from the East India Company for Relief.*] March 5. A Petition from the East India Company was presented to the Commons by sir Henry Fletcher, setting forth:

"That the petitioners were incorporated by charter, made for a valuable consideration, whereby the whole, sole, and exclusive trade to, in, and from the East Indies was granted to the petitioners, with other rights and privileges, which have been confirmed by divers acts of parliament; and that, under the authority of the charters granted to the petitioners, and the faith of acts of parliament confirming the same, the petitioners raised a very large sum of money by way of capital, and have

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carried on the trade to, in, and from the East Indies for above 80 years, to the very great emolument and advantage of this country; and that, till the year 1745, the petitioners were considered in India merely in the character of traders enjoying such settlements or factories and privileges of trade as were from time to time granted to them by the princes of India, without having any military force, or expences of the kind, more than were necessary for the defence of the petitioners settlements and factories against a sudden attack of the natives; and that the petitioners would probably have continued in the same condition of traders to the present time, had the company not been involved in the war between France and England in the year 1745, when a squadron of English ships was sent to India by government to annoy the French trade; several French prizes were taken at sea by this squadron, and an intention was formed of attacking the French by land on the coast of Coromandel, but the then nabob of the Carnatic required the president and council of Madras to stop hostilities against the French within his dominions, threatening, that, if the English squadron should venture to act contrary to his orders, the town of Madras should atone for the disobedience; and the nabob enjoined the French to the like line of conduct towards the English; and that the president and council of Madras prevailed on the English commander (commodore Barnet) to desist from hostilities by land; but, when a French force arrived in India, the nabob departed from his resolution, and permitted the French, without any resistance on his part, to capture Madras, and the Company sustained a very heavy loss in this capture, besides the expences of the war, which was wholly European; and that, at the peace in 1749, the settlement of Madras was restored, nevertheless the French continued their hostilities upon the coast of Coromandel, in the character of auxiliaries or allies to some of the country powers, but with an evident ambitious view of acquiring territory, and injuring the petitioners in their trade; and that the petitioners, in their own defence, were under a necessity of giving support to those native princes who were friendly to their interests; and these contests were continued at a very heavy expence till the territories were obtained in the year 1765, and in this space of time the Company had the additional misfortune of another European war which spread into the East Indies from about the year 1756 to 1763, and very greatly increased their expences, amongst which there are now three very large debts owing to the petitioners, one of 260,687*l.* for the maintenance of French prisoners, another for hospital expences for his Majesty's troops at Bengal, Bombay, and Madras, amounting to 21,447*l.* and the third of 139,877*l.* remaining unpaid, for the Company's expences in the capture of Manilla, undertaken by the express orders of his late majesty king George the 2nd; and that the petitioners troubles were not confined to the coast of Coromandel, but extended to Bengal; in 1756 the settlement of Fort William in Bengal, was taken from the petitioners by Sourajah Dowlah, and although it was afterwards re-taken, hostilities in various shapes, and under different circumstances, were continued with little intermission, until, by the treaties concluded in August, 1765, the duannies of Bengal, Bahar, and Orissa, and the five northern circars, were granted to the petitioners; and that the expences sustained by the petitioners from their trading stock in England, on account of the hostilities in India, which ended in the cession of territories as above-mentioned, together with the expences occasioned by the European wars, amounted to upwards of 5,069,000*l.* sterling; and the petitioners beg leave to submit to the House, that in respect to so much of this expenditure as related to European wars, the petitioners should have been indemnified by government; and as to so much as respected the mere Indian wars, which produced the cession of territories and revenues, the petitioners conceive it must be allowed, that if the Company in obtaining the revenues, acted as agents to the state, they ought to be reimbursed their expences as agents, and that the state ought not to avail itself of the benefit of the acquisition, without first making a satisfaction for the expences; but his Majesty's ministers, on behalf of the public, having soon after the said acquisition laid claim to the said territories for the use of the public, (a claim which the petitioners resisted) a treaty took place thereon, and, under a mistaken idea of immense riches expected to flow into the petitioners treasury in England from the revenues in India, an agreement was made by way of trial, and twice renewed, to suspend the determination of the claim, the petitioners during this suspension paying 400,000*l.* a year to the use

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of the public; under those arrangements the Company made sundry payments to the public, down to the 5th of July 1772, to the amount of 2,169,398*l.* 18*s.* 2¼*d.* and thereby incurred debts in England to a large amount, and were drove to such distress as to be obliged to apply to parliament for relief, upon which occasion a loan was made to the petitioners by the public, which was afterwards re-paid with interest; and that, although the public reaped such great advantage as hereinbefore is mentioned from the said territories, besides a very great increase in the duties of customs and excise, which, on an average of 15 years immediately preceding the acquisition of the Duannee, produced no more than 14,940,659*l.* and in the 15 years immediately succeeding amounted to 19,889,673*l.* the petitioners have received no other advantage therefrom than the sum of 1,453,000*l.* which was appropriated to reduce their bond debt from 2,898,124*l.* 10*s.* down to 1,497,000*l.* and that, after deducting the said sum of 1,453,000*l.* received by the petitioners out of the said territories and revenues as aforesaid, from the said 5,069,000*l.* disbursements on account of the wars and troubles in India, the petitioners are now in disburse on that account to the amount of 3,616,000*l.* besides interest on such disburse to a very large amount; and that the loan made by government being re-paid, and the Company's bond debt reduced as aforesaid, his Majesty's ministers resumed their claim of a participation in the said territories and revenues, and in the beginning of the year 1781 demanded the immediate payment of 600,000*l.* as a share of three-fourths of past profits; and that the petitioners strongly remonstrated against the very severe terms insisted upon on the part of government as hard and oppressive, and made various propositions to mitigate the severity of the terms; at length the petitioners were induced to agree to pay the public 400,000*l.* in full of past profits up to the 1st of March, 1781, and from that time to pay the public three-fourth parts of all their profits in England beyond a dividend of 8*l.* per cent. to the proprietors, and to take upon themselves the payment of sundry naval and military expences, which at all times before had been borne by government, and even during the last war sundry payments were made by government to the petitioners, pursuant to acts of parliament, in lieu of troops withdrawn from India; and that objections were made to this agreement on the part of the petitioners, from an apprehension of the inability of the petitioners to sustain it, and subsequent events have but too fully evinced, that such apprehension was just, for the petitioners having paid 300,000*l.* in part of the said sum of 400,000*l.* have not been able to pay the remaining 100,000*l.* nor have they been able to pay the whole of the customs which have become due to his Majesty; but, pursuant to an act made last session of parliament for that purpose, the said sum of 100,000*l.* and 396,466*l.* due for customs, have been postponed to the 1st of April, 1783, and the petitioners have also been obliged to postpone many of their commercial debts; upon the whole, the terms of the said agreement, carried into execution by an Act of the 21st of his present Majesty, appear to the petitioners so contrary to their just expectations, and the terms in other respects so hard, that the petitioners hope the House, upon mature consideration of the various parts thereof, with the petitioners observations thereon, and proposals for varying the same, will be pleased to grant the petitioners relief therein; for which purpose the petitioners now beg leave to submit the same to the House, in the order in which they arise upon the said act of parliament: First, the agreement and act compel the petitioners to pay the public 400,000*l.* in full for past profits, up to the 1st of March, 1781, in part whereof there has been already paid 300,000*l.* and the remaining 100,000*l.* is only postponed to the 1st of April, 1783: Second, all the petitioners profits in England, beyond a dividend of 8*l.* per cent. to the proprietors, are to be divided between the public and the petitioners in the proportion of three-fourths to the public, and one-fourth to the petitioners; and, according to the letter of the said Act, this profit may be computed on the accounts of a single year, without providing for the reimbursement of any loss sustained in the preceding year; the whole of which is, by this mode of computation, thrown upon the petitioners; and that this appropriation of profits, for the time past and to come, arises from an idea of the public being entitled, independent of the petitioners, to the territorial revenues in India: the petitioners do not acquiesce in this claim, however they do not think it incumbent upon them at this time to enter into a discussion of it, and the question, to which the petitioners intreat the attention of the House, is under

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what condition justice can require a participation from the Company? The petitioners rely, that the most strenuous asserter of the claim of the public (much more those who will give a liberal consideration to the subject) must allow that the Indian revenues, or any part thereof, ought not to be wrested from the petitioners without a reimbursement of the expences of acquisition, to which the petitioners must add, that the situation of their affairs, distressed at home, and loaded with debt abroad, requires such a reimbursement, or an adequate recompence in lieu thereof; the bond debt which the petitioners now owe in a great measure arose from their military expences in India, or has been necessarily continued on that account, independent of these expences, the petitioners' ordinary mercantile profits would have enabled them to have extinguished the whole of their bond debt long before the territories were acquired; and that the petitioners' necessities, arising from the want of being reimbursed a principal of above three millions and an half, and an interest increasing on such principal to a much greater amount, it is conceived will justify hopes of receiving effectual aid from the public, whilst these disbursements remain unpaid to the petitioners, they must conceive they are within the bounds of moderation in thinking that the payments of 2,169,000*l.* and 300,000*l.* for the use of the public, were made under mistaken ideas of the petitioners' pecuniary abilities, and they confidently hope and trust, that so much thereof will now be returned as may enable them to carry on their affairs, at least that the 300,000*l.* so lately advanced when the petitioners were utterly unable to spare it, may be returned in part of the reimbursement of their expences in acquiring the territories, and that the petitioners may be released from the 100,000*l.* which remains unpaid; and the petitioners beg leave to inform the House, that the sum which they will want to carry on their affairs only to the 1st of March, 1784, upon the most correct calculation they have been able to make, allowing for the safe arrival of all their expected ships within that period, will be about 900,000*l.* without paying the said 100,000*l.* but what farther supply the demands upon the petitioners, subsequent to that period, may require, they are not at present able to ascertain, nor will the House be surprized at the pecuniary difficulties in which the petitioners are involved, when they are informed, that, in addition to the expences and other losses necessarily attendant on a state of hostility, the increased charge of the petitioners in the article of shipping alone, during an European war, exceeds the annual sum of 500,000*l.* and if, upon mature consideration, it shall not be seen fit for the public to return the money received from the petitioners as aforesaid, or any part thereof, it will be necessary that some other means of relief should be given to the petitioners; in this case, and in order to provide for all events without reducing the dividend, which must affect the petitioners' credit, and consequently the interests of the state of their commerce, the petitioners would propose to the House, that they should be permitted to increase their bond debt, as their occasions may require, to any sum not exceeding their former bond debt, and to repay the same from their subsequent profits before any participation takes place, which increase of debt, as the law now stands, cannot be made, preserving the very moderate dividend at present paid on their stock; and that, although the petitioners trust, that a recompence will be made to them for their disbursements in acquiring the territories, they do not wish to apply the same in dividends beyond 8*l.* per cent. as long as they shall owe money upon bond exceeding 1,500,000*l.* nor after that time to increase their dividend beyond the rate mentioned in the said Act of the 21st of his present Majesty until the present bond debt shall be wholly discharged; and that the petitioners farther hope that the House will not only see proper to vary the subsisting agreement, but that the term of the agreement will be extended, so short a term as ten years (whereof two years are now expired) is injurious to public credit, in promoting speculations upon what may be the terms of new agreements, and the affairs of the petitioners, by means of short terms, are kept in a continued state of agitation; on the part of the public, the petitioners conceive a long term cannot be objected to, as the public cannot possibly ever require to be paid a greater share than three-fourths of the profits of the territories; and the petitioners farther beg leave to submit to the House, that the clause of the said Act of the 21st of his present Majesty, which directs the payment of the three-fourths of profits appropriated to the public shall be made on the 1st day of May in every year, should be varied; the



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September sale, when the petitioners' sales are regular, is always the largest, and it frequently happens, in the ordinary course of the Company's affairs, independent of any uncommon or unforeseen expences, that the petitioners are obliged to borrow money in the summer half-year to pay duties, or for other purposes, therefore the payment to government of the public's share of profits being fixed to be made on the 1st of May, is very inconvenient: two remedies may be applied,—the first (and which appears to be the most eligible) is, out of the surplus profits to raise a joint fund, to remain by way of stock, not to be divided till the end of the term of participation; the other is, to give liberty to the lords of the Treasury to allow such time for the payment of the public's share of profits as the Company's affairs may appear to require; the third observation which arises on the said Act of the 21st of his present Majesty is, on the clauses which oblige the petitioners to pay two lacks of rupees for each regiment of soldiers belonging to his Majesty employed in the East Indies, to victual the King's ships in India, and to supply naval and military stores; these were always considered by the petitioners as insupportable burthens, and time confirms this apprehension; and that these expences, till the said Act of the 21st of his present Majesty, have always been borne by government, and, it is submitted, ought to continue so to be paid; the same reason which makes it incumbent upon government to protect the rest of the British dominions, fully holds in respect to the East Indies; the India trade brings an immense revenue to government from the customs and excise upon the imports, besides great benefits to this country from the large exports of its produce and manufactures; in these respects, independent of participation, the public are much more interested than the proprietors of stock; if these expences are to be continued as a burthen upon the petitioners, they will very materially affect both the public and the Company; those who framed these clauses, supposed that the payment would be no burthen upon the Company in England, because they were to be made out of the produce of the revenues in India; but this will be found to be a very mistaken notion, for it now clearly appears, that if these payments are made in India, there will be nothing left for investments to England, nor will the revenues, even without any investment, be sufficient to pay these and the other enormous military expences in India; if the investments fail from this cause, the duties payable to government in England will proportionably be diminished, and there can be no fund for participation; on the contrary, the petitioners will yearly be brought in debt by their trade, for bills will be drawn to pay for such investments as shall be made, in order to avoid sending home unloaded ships upon demurrage, and will encourage smuggling, which is highly injurious to the public and the Company; and that in respect to victualling the ships in India, the petitioners conceive, that the words of the Act most clearly shew that the provision relates only to such victualling as the East Indies produce, and this was fully expressed to be the intention of his Majesty's ministers, yet the commissioners for victualling his Majesty's navy have required the Company to send out victualling from England, and opinions of counsel have been taken on both sides of the question, which may probably end in a suit at law, if the petitioners are not relieved by parliament; and that in regard to the naval and military stores, the quantity of them is such as very greatly increases the petitioners' expences of freight and demurrage, which are wholly a charge upon their cash in England; the complicated mode in which they are to be provided and paid for, is highly exceptionable, and may be injurious to the Company in paying for them, for although a mode of reimbursement is fixed, the Company, at a certainty, is to remain in advance for a part of the disburse, which the state of their treasury may not be able to bear; the petitioners therefore hope, that the House will consent to a repeal of the clauses in the Act respecting naval and military stores; and the petitioners must also crave the House to take into consideration the supply of salt-petre, and consent to a variation of the law relating thereto; and that the Company by their charter are obliged to supply government annually with 500 tons of salt-petre, if demanded; the charter stipulated that this supply should be made by the Company at prime cost, without charging any profit; but by an Act made in the first year of the reign of queen Anne, it was enacted, that such salt-petre should be paid for at the rate of 45*l.* per ton in time of peace, and 53*l.* per ton in time of war; these prices, at the time the Act was made, were computed to be about the

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amount of prime cost, including freight, losses, and charges, but for many years past, on account of the increase of freights, and other circumstances of expence, they have been greatly inadequate to the prime cost and charges, and are likely to continue so; wherefore the petitioners hope, that the House will vary the said Act, either by directing the payment to be made upon a new computation of prime costs and charges, or according to the prime costs, charges, and losses, upon an account to be from time to time made up thereof, and, as government for a long time past have demanded a much larger supply of salt-petre than 500 tons a-year, provision should be made for the payment of any surplus supply at the same rate at which salt-petre was sold at the petitioners' sale next preceding such surplus supply; and the petitioners further beg leave to state to the House, that there now remains due to them for salt-petre from the office of ordnance, the sum of 80,008*l.* 15*s.* 3*d.* which the master of the ordnance, and the other officers of that board, do not think themselves authorized to pay, although the same was included and voted in the supplies of the year 1781: upon the whole, the petitioners intreat the House to take their case into consideration; and trusting and confiding in the wisdom and justice of the House, the petitioners most humbly pray that so much of the said several sums so disbursed by the petitioners, as shall be necessary to relieve the petitioners from their present distress, may be re-paid to the petitioners, at least, that the said sum of 300,000*l.* so lately advanced when the petitioners were utterly unable to spare it, may be returned, and that the petitioners may be released from the said sum of 100,000*l.* which remains unpaid as aforesaid, and that the petitioners may be paid the said debts due to them for French prisoners, hospital expences, and the charges of the expedition to Manilla, and that provision may be made for raising money from time to time, not exceeding 1,500,000*l.* in such manner as to the House shall seem meet, to enable the petitioners to carry on their affairs without prejudice to the dividend of 8*l.* per cent. and that the money so raised may be repaid out of the future profits in preference to a participation, and that provision may be made for raising a fund to carry on the petitioners' affairs, or time allowed for payment of the public's share of profits, till the petitioners are enabled to pay such profits without borrowing money for that purpose, or for the ordinary currency of their affairs, and, that in case of a deficiency in any year's account, the same may be carried forward in the account of next year, in like manner as was directed by an Act of the last session; and that the petitioners may be relieved from the military and naval expences in India with which they are burthened by the said Act of the 21st of his present Majesty; and that provision may be made for the petitioners being paid the debt now due to the petitioners from the board of ordnance, and being freed from loss in the supply of salt-petre to government, and for the petitioners being paid the market price for so much as they shall supply beyond 500 tons of salt-petre per annum, or that the petitioners may have such other relief in the premises as the nature of their case may require, and as to the House shall seem proper."

The Petition was ordered to be referred to a committee.

*Debate in the Commons on the Pensions granted to Colonel Barré, Lord Ashburton, Lord Thurlow, and others.*] March 5. Mr. Burke's Bill for explaining his Bill of last year, for regulating the Pay-office, was read a second time. This gave rise to a desultory conversation, in which the pensions to colonel Barré and lord Ashburton were again brought into debate. Mr. Fox and Mr. Burke both said, that it was very singular that those who supported the ministry of the man to whose friends these two pensions were granted, should be the most forward to throw them in their teeth; hence it was fair to conclude, that there was nothing more dangerous than to do a kindness to some men, for their ingratitude would afterwards make this good-nature a ground of accusation. The balances in the hands of public accountants were mentioned, and Mr. Fox seemed to have been glanced at. This called him up: he said, that it was very well known that he had never acted as an executor to his noble relation, and therefore was, so far, as unconcerned in the matter of balances as any member in the House; his fortune would indeed be eventually interested in the settling of the accounts, as well as that of those who were dearest to him; still he meant to say, he was individually unconcerned in the balances, and did not care how nicely the accounts should be scrutinized, or how public they should

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be made. Some members expressed their surprize that the Act passed last year for regulating pensions, was not to take place till the month of April next. Mr. Burke said, that a noble marquis, now no more, feeling that the Bill, from the very moment of its introduction to the House, was binding upon him from its spirit, though not from the letter, had expressed a wish that such a clause might be inserted in it, in order that he might not have his hands tied up from giving a pension of 200*l.* a year to the widow of a gallant general officer, who had scarcely any thing left her except the merits of his wounds and long services.

Mr. Chancellor *Pitt* said, that the Act had caused very great inconveniencies; for it obliged the ministers to bring the King's expences within the compass of 850,000*l.* and yet it had made a saving of only 40,000*l.* As to the idea of being bound, now or heretofore, by the spirit of the Act, when the letter declared, that the Act was not to have an operation till the month of April next, he confessed that he could not adopt it, and held himself free in the present moment to set his name to any pension, which in other respects it would be proper to advise his Majesty to grant: he should think he could not possibly in so doing be violating a law, which had not yet commenced; but on this subject he wished for the opinion of the House.

Mr. *Powys* said, that he would take the sense of the House the next day, whether ministers were bound by the spirit of the Act, which, according to its own wording, was not to commence, with respect to the granting of pensions, till next month.

Mr. *Baker* alluded to the report of the Lord Chancellor having had a grant of a pension, and also of the reversion of a tellership of the exchequer, which appeared to him the more extraordinary, as, by the Act of last year, the King was restrained from giving more than 600*l.* in pensions in one year, and more than 300*l.* to one person; and if the spirit of the Act was binding before the letter took place, this was a violation of the Act.

Mr. *Powys* said, that if there was to be any exception to this regulation, it ought to be in favour of a Lord Chancellor, who quitted his practice for an office which he held only at will.

Mr. Chancellor *Pitt* said, the reversion of the tellership was in consequence of an old promise from his Majesty; and that the grant was to be subject to such regulations as parliament should think proper hereafter to adopt.

The Bill was read a second time.

March 6. Mr. *Powys* rose to make his promised motion. He said, that if ever there was a moment in which it would be presumptuous in him to submit a question to the House, he was sure that this was the moment; for this was a time when a system was set up, and gloried in, by some people, of despising public opinion, and acting upon principles that would set that opinion at defiance; at such a time, when party bore the sway, it was peculiarly presumptuous in him to intermeddle with state affairs, who was of that description of men who were neither the leaders or followers of a party. However, let what would be thought of him, he would do what he conceived to be his duty. The administration of this country had been for some time burning in the socket, and had at last lost its light; but perhaps it was, in one sense, no misfortune; for, when he considered who it was who was at the head of that ministry, he might say, with the taylor in the farce, "that it was better to have no head at all." In the dissolution of that ministry, however, there was one thing greatly to be regretted, the retreat from office of the right hon. gentleman on the floor (Mr. Pitt) whose shining abilities would adorn any situation; but it was to be hoped that he would not long remain unemployed; great talents were public property, and therefore the public ought not to be deprived of them. He was sorry, that, going to speak of pensions, as he then was, he had it not in his power to say that one had been granted to the right hon. gentleman, who had been taken from a profession to which he would have been an ornament. However, if he would not blend with others in a system of politics, to which he could not lend his countenance, and was determined to retire, he would carry with him the applause, the esteem, and admiration of his country. This could not be called poverty, but riches of the most desirable nature; rich in self-applause, rich in conscious rectitude, rich in every quality that adorned the man and the statesman; the right hon. gentleman must find retirement less irksome than many other men.

[In the midst of his panegyric, Mr. Powys was interrupted by Mr. Martin, who espying a peer sitting below the bar,

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desired he might be ordered to withdraw; and that the Speaker would give orders, that in future no peer shoud be permitted to sit in any part of the House of Commons, except that which was allotted for strangers. He was sorry to be obliged to act so; but until the accommodation should be reciprocal, he would not suffer a peer to be on any better footing in that House than a stranger. The Speaker said, he had ordered the serjeant not to permit peers to sit below the bar; but it would be better for the House to give the order, as the order of an individual in such a case was of no force. Mr. Martin in reply said, that he would move to have the House cleared whenever he should again see a peer below the bar. The Speaker informed him, that in so doing he would act according to order; for it was the privilege of any one member to have the House cleared whenever he pleased. The peer whom Mr. Martin saw, was lord Walsingham, who immediately escaped from that gentleman's eye into the gallery.]

Mr. *Powys* resumed. Of the pensions lately granted, he said there was one, to which, undoubtedly, he had no objection; it was that to the Lord Chancellor, and indeed he thought that in favour of the person who should fill that high office, there should have been an exception in the Act that passed last year; this was his opinion, for reasons too obvious to be mentioned. There was a clause in the Act, leaving the crown a power to give pensions, beyond the extent specified in the Act, to such persons as had been employed in embassies to foreign courts; now, under the principle of this clause, he was afraid that pensions would be granted to other persons who had served the crown in other capacities at home. The operation of the Bill of the hon. gentleman was not, he observed, to take effect till the 5th of April, 1783, and much had been said the preceding day, that although the letter of it had no force till then, yet the spirit of it was binding upon ministers, and that, in as audible and distinct language as could be used, the Bill said to ministers "forbear." He was not therefore a little surprized to hear a right hon. gentleman, high in office, say, "Forbear! On what compulsion must I? Is it so nominated in the bond?" To this he would reply,

It is not so expressed; but what of that?
'Twere good you do so much for charity.

For charity to the public, for charity to an almost bankrupt nation! He said, that of the only two pensions which he heard were passing through the offices, to one he wished not to hint the smallest objection, because he flattered himself, that every gentleman would concur with him in admitting its propriety; the other, a pension to another noble person, with whom he had not the honour to be acquainted, but of whom he had never heard the least dispraise, he could not speak of with the same certainty, because he was unacquainted with the circumstances. Possibly that noble person having served his Majesty in foreign parts, might come under the particular clause of the Act, which includes persons of that description; if so, he could only repeat the observation he had made when the Bill was in agitation last session, that the clause respecting persons employed on foreign stations first enabled the crown to employ unfit persons, and then enabled it to reward those persons for their unfitness. He meant not, however, to apply this to the noble lord (Grantham) against whose pension he knew no one objection. After stating, that his aim was for that House to come to some resolution to restrain ministers from granting any pension, between the present day and the 5th of April, contrary to the clear spirit and meaning of the Bill of the hon. gentleman over the way, he concluded with moving, "That his Majesty's message of the 2nd of May last be read, and afterwards the subsequent proceedings of the House at a few days distance." The clerk having read these passages of the Journals, Mr. Powys moved, "That an humble Address be presented to his Majesty, most humbly to represent, that whereas his Majesty, from his paternal regard to the welfare of his people, and his desire to avoid imposing any new burthen upon the public, has been graciously pleased to suppress the several offices mentioned in his Majesty's Message to this House in the last session of parliament, and has likewise given his royal assent to an Act for carrying the said most gracious design into execution, and for regulating the granting of pensions, and preventing all abuses or excesses therein: this House trusts that the same restrictions will be observed in respect to any pension his Majesty may be advised to grant antecedent to the fifth day of April, as by the said Act are thenceforth strictly and absolutely prescribed."

Mr. *Martin* seconded the motion.

Captain *John Luttrel* expressed his dis-

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approbation of the Act alluded to, and said, he thought that the influence of the crown was diminished to a much greater degree than was consistent with the safety of the constitution, which depended on the equipoise of the three estates. He did not rise to censure either the dead or the living for any pension that had been hitherto granted, but to express a wish that this Address had been more suited to the purpose which he had understood the preceding day to be the avowed object of it. He would not court popularity at the expence of reason, justice, and good policy; therefore he was free to say, that he did not think the power of the crown was now by any means too great, or beyond what was necessary for the preservation of the constitution as it was by law established. He admired a great part of the Reform Bill, but still he thought judicious expenditure was laudable œconomy, and therefore he did not approve that parsimony which led to an interference with the King's menial servants, and to deprive him of the free exercise of his fancy and pleasure, but which every member of that House, from his bare gratification, could in a great measure enjoy. This, he thought, was not only taking magnificence, but the comforts of life, from royalty, for the purpose of a saving, which, in the great scale of public expenditure, appeared to him paltry indeed. But his Majesty, being now abridged of almost every power but that of making war, he thought the rewarding the merits of his officers a power that ought to remain in the crown. No man would say his Majesty had exercised it improperly in the cases of lord Rodney, of general Eliott, and sir Roger Curtis. We might still expect news of some important victories being obtained abroad by our arms before hostilities ceased, and he wished to leave the power of rewarding the leaders of them with his Majesty; nay, he would go farther, and say, that he did not subscribe to an opinion that nothing but success could deserve reward. He thought those who had served the state faithfully, indefatigably, and industriously, whose lives had been spent in the performance of their duty, and whose health was impaired by the execution of it, merited a compensation from their sovereign and their country. But, he said, the contrast was great between men of such description, and those who had advised this ignominious peace. The censure passed upon it by that House, sufficiently warranted an Address to his Majesty that no reward should follow their ill deeds.—He would repeat his wish that the motion had been more limited; but he would support it, because, though it did not entirely meet his ideas, it was a full restriction from granting farther pensions to those who had aided or abetted a peace, which could not be lasting.

Mr. Chancellor *Pitt* entered into a detail and vindication of the different pensions that had lately been granted, premising that he did not think the Act binding upon ministers till it should have taken place, because its object was to take away a power at this moment in the crown, and which of course the crown had a legal and just right to exercise. On this point the law itself was positive, for it declared that it should not have any operation till the 5th of April 1783. Upon this principle he defended the pensions. The hon. member had said, that an exception ought to be made in the Act in favour of the person who should fill the high office of Lord Chancellor; therefore he must agree with him, that the pension to the learned lord who now held the great seal, was justified by the spirit, as it most unquestionably was by the letter of the Act, which not having yet taken place, could not restrain the crown from exercising a power which it possessed at this moment by law. Nobody, he presumed, would object that the chancellor of Great Britain, when he went out of his high and important office, should have a suitable provision. With regard to the pension that had been granted to the present Lord Chancellor, it arose thus: his Majesty had been graciously pleased to make a promise to that law officer, some years ago, that he would bestow on him such a pension as that now granted, and his Majesty, a few days since, had signified his royal intention that the promised mark of his bounty and favour should be then bestowed. On that ground the pension to the Lord Chancellor stood. At the same time he thought it right to say, that if the Lord Chancellor had chosen it, since he had been in his high office, he had more than once had it in his power to have obtained a much larger reward, but that he now desired to have no more done for him than his Majesty had formerly been graciously pleased to promise should be done for him. At present, a grant for the pension, so well known as to its amount, had passed through all its forms, and the Chancellor had a farther promise from his Majesty

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(which also had been long since made) of a Tellership of the Exchequer; a species of royal bounty that had repeatedly been bestowed on other persons who had formerly filled the same high and important office. For that additional mark of the royal favour, the Chancellor of course must wait till a future opportunity. Two other pensions of 2,000*l.* a year each, to sir Joseph Yorke and lord Grantham, were also justifiable by both letter and spirit; for when the Act in general restrained the crown from giving a greater pension than 300*l.* a year to any one person, it expressly excepted out of this restraint those who had been ambassadors abroad, whom the crown was to use its own discretion in rewarding. He paid many high compliments to lord Grantham, who, he said, on his return from an eight years embassy, refused to be a burthen to his Sovereign, when he could no longer serve him; and therefore declined accepting the usual salary for an embassy, the duties of which, by his recal and the subsequent war, he was unable to discharge. His Majesty had promised to provide for him, and had made him first lord of trade, which board was afterwards abolished. When, therefore, lord Grantham was called upon to take on him the post and duty of a Secretary of State, his Majesty had been graciously pleased to promise him a pension of 2,000*l.* a year, whenever he should quit that situation; and he would farther inform the House, that the conditions of the grant was, that the pension was to cease whenever lord Grantham was in possession of any place or office that afforded greater or equal emolument.

Having dwelt for some time on these two pensions, and proved that they neither of them were in themselves illegal, or contrary to the spirit of the Act that had been so often mentioned, Mr. Pitt said, as he wished every part of his conduct, as a minister, to be fully and fairly understood by the House, on whose candour he reposed with the most perfect confidence, he would proceed to lay before them a history of every pension that had been granted since he had been in office. There were some of which the House were not apprized; and first, a pension of 2,000*l.* a year had been granted to sir Joseph Yorke, a gentleman who had spent thirty years of his life in foreign embassy, and who consequently came under the description of the enabling clause in the Act. Sir Joseph's merit as an ambassador was so universally acknowledged, that he thought it necessary to dwell upon it, not imagining any objection could be started against the reward his Majesty had been graciously pleased to bestow upon him. Two more pensions, or rather compensations, one of 700*l.* and the other, he believed, of 500*l.* a year, had been granted to two clerks of the Treasury, who had been long in the public service, and whom, for the sake of some official arrangements, they had found it necessary to superanuate. These pensions certainly came not within the letter of the Act, having been granted antecedent to the 5th of April. Another pension did, indeed, nominally exceed the sum prescribed by the Act, but in reality it did not amount to so much. He believed he spoke in the hearing of those who knew that this pension did not originate with his Majesty's present servants; he meant a pension of 350*l.* a year nominally to Mr. Morgan, now with sir Guy Carleton as his secretary. That pension he understood had been promised to Mr. Morgan when he consented to go out, as a reward for his quitting his connections here at home. There was one pension more, if it could be called a pension, which he saw no necessity for his going into the private history of, but he would nevertheless state that it was a pension of 200*l.* which had been granted to a gentleman on his leaving the Tax-office, and coming into the service of the Treasury, as a compensation, in case, by the change of ministry, he should be thrown out of employment.

Having, as he believed, fairly stated all the pensions that had been granted, the House, Mr. Pitt said, were now in possession of the whole of the proceedings of that nature, that had taken place in the course of the summer; and as they came not by any means within the letter of the Act, and were in themselves perfectly reasonable, he trusted implicitly to the candour of the House, declaring himself ready to take his share of the responsibility for having set his hand to them, but hoping that if there was any thing wrong in having granted them, the House would not think of disturbing or revoking either those that had been fully granted, or of stopping that of lord Grantham, but would proceed to such measures of a prospective nature, as should prevent the repetition of similar errors in future, if errors they were. Under this impression, therefore, it was, that he hoped his hon. friend would con-

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sent so to modify his motion, as to take away from it any words that might convey a retrospective censure; and when it was so altered, it should meet with his cheerful support. As far as regarded the past conduct of ministers, Mr. Pitt declared, he felt no sort of embarrassment in unbosoming himself fully to the House; there was a part of his hon. friend's speech, however, to which he could not so easily allude, and which excited in his mind the strongest emotions; that was the part of it, in which his hon. friend had done him the honour to speak of him in terms, to merit which would gratify his highest ambition. At present, what the hon. gentleman had said, must necessarily be imputed to the partiality of friendship; but he did assure the House, that to afford satisfaction by any part of his conduct to a gentleman so perfectly independent, and for whose character he had so much reverence and respect, would gratify his ambition in a degree next to that, if ever he should be so happy as to experience it, of his country approving his services, and deeming them in the smallest degree conducive to the public welfare. With regard to those other rewards and honours that had awaited his colleagues in office, he was neither so weak nor so rash as to desire or to expect, what he was conscious he had no pretensions to receive. It had been sufficient for him, called on as he had been, at an early period of his life, to fill the exalted station in which he had been placed, that his weak endeavours to discharge the duties of it faithfully and diligently had not been disapproved. He came into office with nothing to risk; his colleagues had much to hazard; he had no right, therefore, vainly to suppose himself upon a footing with them; and he did assure the House, that his reward would be fully adequate to the utmost views of his ambition, if he should have the fortune to find that he had not lost the good opinion of that House, and of his country.

Mr. *Powys* said, he would submit to his motion being amended, if the principle was not destroyed. He wished he had moved the Address at an earlier day, since he had heard the construction put by the right hon. gentleman on the Act of the last session.

Mr. *Fox* supported the motion, as the House must be convinced from what they had heard that it was peculiarly necessary. He thanked the worthy member for having moved it, and agreed with him in the wish that it had been made earlier. He had no inclination to disturb or revoke any of the pensions that had been so fairly stated to the House by the right hon. gentleman, but there was something in his mode of defending them, that gave him serious alarm. In the first place, he did not at all approve of the name of his Majesty having been so frequently introduced; it certainly was disorderly, and putting every act of the ministry upon the personal promise of the King, took away the responsibility, which the constitution had placed on the advisers of the crown, and rendered it a very difficult matter for members of that House to do their duty to the public. It was, of all other matters, the most delicate and the most disagreeable to speak to measures, with which persons were so intimately connected, that however any thing invidious and personal might be fairly disclaimed, and disclaimed upon the honour of the speaker, the world was apt to separate the person from the measure, and to impute warrantable parliamentary objection to the former, to envy or private pique against the latter. With regard to the Lord Chancellor, he had long lived, and he hoped to continue to live with him, on terms of sincere private friendship; that noble lord undoubtedly possessed great abilities, but perhaps he was of opinion, that those abilities were not exerted in a manner most beneficial, but on the contrary in a manner most injurious to the true interests of the country. That the Lord Chancellor ought to be provided for, if he were to resign his high office, was a matter so obviously proper, that no man could offer an objection to that proposition. He should have liked the mode of providing for that noble lord, however, better, had it not been rested upon a promise of his Majesty. To put it upon that ground created a difficulty, and in a manner barred all comment, because whatever promises the royal personage chose to make, he should be ready at all times to say, they ought to be held sacred, and fulfilled at all hazards. It was not, nevertheless, a fair argument for ministers to use in that House, when a public act of administration was under discussion. With regard to the pension granted to lord Grantham; with that noble lord from his earliest infancy, he had been accustomed to live in habits of the strictest friendship; and, therefore, it was almost needless for him to disclaim any invidious or personal motive in what he

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had to say upon it. He would then, without scruple, declare that the pension itself did not appear to him to be greatly objectionable; but the manner and the time of granting it gave him most serious alarm indeed. What had the right hon. gentleman told the House? That his Majesty, when lord Grantham accepted of the office of secretary of state, promised him a pension of 2,000*l.* a year whenever he should quit that office. What did this lead to, if the practice obtained, but a most dangerous and alarming exercise of the influence of the crown? What was it, but bribing persons by pensions to take on them offices, to accept which they had no inclination? By this means the crown could always obtain an administration without the smallest regard to the sense of parliament, or the confidence of the people.

After severely reprobating this mode of bestowing a pension, as a condition of accepting high office, and declaring that though a lord chancellor had a right to expect a pension on quitting his situation, he hoped it would not be understood, that future secretaries of state were to have the same expectations, Mr. Fox adverted to the defence set up by Mr. Pitt for lord Grantham having been employed on foreign service for the crown, Mr. Fox admitted that his lordship came under that description, but said, he had himself moved to insert that clause of the act of parliament, though with a different view from that in which it was now regarded. His idea was, not to enable the crown to grant pensions to noblemen who had been employed in important embassies, and whose affluent private fortunes placed them above the want of a pension, but to enable the crown to provide for a very different description of persons sent upon foreign service. It was well known, that young men of some family and abilities were picked out, and sent early in life to foreign courts, where they remained for several years, and were then moved to other courts, and so on. These persons, were they not so employed, would doubtless have pursued some profession or other at home, in which they might have been successful; and therefore, when from a change of administration it became necessary to recal them, he thought it extremely hard, (as they must by that time have lost all their connections at home, as well as their chance of success in any professional pursuit) that they should go unrewarded. It was to meet this difficulty, that he had moved the clause, and with no other view whatever.

He next came to the mention of sir Joseph Yorke's pension, and not having the honour to be acquainted with that gentleman, he said, he was not enabled to fortify himself against the charge of personal and invidious motives, in regard to what he should say, in like manner as he had been able to fortify himself, with regard to the Lord Chancellor and lord Grantham; he could only therefore disclaim being actuated by any such motives. With respect to sir Joseph's pension, he declared, though he had served his country in foreign embassy thirty years, yet when he looked at his honours and emoluments, he saw no necessity for the pension lately granted. He next spoke of Mr. Morgan's pension, and said, that he knew nothing of the promise of any such pension when he was in office. Perhaps the noble lord below him (lord J. Cavendish) might. He objected, however, very strongly to any pension being granted as a bribe to any person for taking upon him an efficient office. He thought the principle a pernicious one, and though he meant nothing invidious, or personally offensive to the learned lord over the way, he could not avoid taking that opportunity of saying, that when the learned lord accepted an office for life, at the same time that he accepted the office of treasurer of the navy (which though not a sinecure, was pretty much like one), all the world wondered at such a strange mode of giving a man an office for life, as a condition of his taking another, and that almost a sinecure office; and it was universally declared the most lavish and absurd mode of wasting the public money that could be adopted.

He next adverted to the two clerks of the Treasury, who had been superannuated on pensions of 500*l.* and 700*l.* per annum, and asked, if they really were, from infirmity, illness, or any other cause, obliged to be superannuated, or whether the whole of that business was not a mere job, for the sake of an arrangement more agreeable to the minister? With regard to the granting 200*l.* a year to a clerk taken from the Tax-office to the Treasury, he reprobated that measure, and alluded to a transaction that had passed in the House of Lords ten days since, which he termed a scandalous transaction. He again urged the bad policy of granting pensions, as



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bribes to persons to take on them efficient employment, and having fully discussed all the topics he had touched upon, he said, though no man had a greater personal regard for the secretary of state just promoted to a peerage, than he entertained; and although no man wished him to be loaded with honours more than he did; yet he could not avoid observing, that it was a little extraordinary, that the crown should think proper to reward those ministers who had assisted in making a peace, which the more he considered and reconsidered it, the more he found cause to wonder at the possibility of any man being capable of setting his hand to it. And yet that peace, which, to say the least of it, had not met with the approbation of that House, but in some degree lay under its censure, was thought of so differently elsewhere, that it had been found adviseable to reward one of the secretaries who made it, with honours, and the other with emoluments.

After putting this very pointedly, Mr. Fox said, with the leave of the House he would so far digress from the principal subject of debate, as to take some notice of the extraordinary remark made by the hon. gentleman who moved the Address. To find that gentleman at any time differ from him in opinion, was a matter that gave him real concern. He lamented that an hon. friend, who was every way so respectable and independent, did not concur with him in sentiment, but he could not let what had fallen from him pass unnoticed; at the same time he declared he knew not to what his honourable friend had alluded. His honourable friend had talked of those who avowed, who boasted, and who gloried in acting independent of the public opinion. If his hon. friend meant to allude to him, he was mistaken. He had neither avowed, boasted of, nor gloried in any such conduct; on the contrary, he maintained the very reverse idea; and he was not a little surprised to hear his hon. friend immediately afterwards confess, he thought the government ought to go into such hands. How was this to be reconciled? To him it appeared most irreconcileable. He had contended, and he ever would contend, that no ministers who acted independent of the public opinion, ought to be employed. The public opinion alone was the basis, in his mind, on which an administration should be formed. It had been argued again and again, that the King had a right to chuse his own ministers. In that particular, he rested on the spirit of the constitution, and not on the letter of it; and grounding his opinion on the spirit of the constitusion, he ever had, and ever would maintain, that his Majesty, in his choice of ministers, ought not to be influenced by his personal favour alone, but by the public voice, by the sense of his parliament, and the sense of his people. An administration in whom that House did not place confidence, was such an administration as it was unsafe to lodge the government of this country in at this crisis. It was no argument to say, "I am a minister, because his Majesty has made me one." The personal influence of the crown was not the ground for a minister to stand upon. The confidence of the people must accompany the royal favour, or the country could not be governed wisely, prosperously, or safely. He would repeat what he had mentioned the day before; he did not, upon his honour, believe there were any men so extremely desperate, but it was reported without doors, that there was an intention of dissolving the parliament. Let the House look at the business upon their table! Let them consider the many, the great, the important questions, beyond all former example, that awaited their discussion! Let them think of the consequence, if a dissolution of parliament were to take place, without a responsible minister in office! He would not offer any proposition or advice to them. Let them weigh their situation, and act accordingly! With regard to the coalition so frequently alluded to, let gentlemen coolly ask themselves, if ever unanimity was requisite, whether this was not the time for it? Let them consult their judgment, whether former animosities ought not to be buried under the present difficulties, and whether this was a fit moment for retorts and repartees! To what purpose urge former heats and asperities? Were there any two of them that could be put into a room together, of whom a third person could not say, "you formerly violently opposed each other, and this or that harsh thing was said of one of you by the other?" Mr. Fox conjured all sides of the House to unite, through a sense of the critical situation of the country. He advised moderation and unanimity, as the great means of restoring the public welfare, and returned his hearty thanks to Mr. Powys, for bringing forward, at such a moment, a motion

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so wise, so necessary, and every way so proper. Towards the conclusion of his speech he took occasion again to mention the talents of the Lord Chancellor and his great influence. He said, the country felt that influence to its disadvantage at that moment. Had it not been for the exertion of that influence, he verily believed such an administration would have been some days since formed, as would have had the confidence of parliament and of the people.

The *Lord Advocate* having been personally alluded to, felt it necessary to say a few words. It was rather odd, that in a speech wherein unanimity was so much extolled, and where the House were told, that they ought not to indulge in retorts and repartees, the hon. gentleman should have dealt in them so largely. In the first place, he would assure the hon. member, that he had not obtained the place of keeper of the signet in Scotland, as an inducement to accept of the treasurership of the navy of England, a place which he was very willing to confess was not fit for him: he had said so to persons now within hearing; and he declared he had consented to accept it only until some other person should be found to fill it. But he would not say he was unfit for the place he had obtained in Scotland; and his Majesty having been pleased to honour him with a patent place, he would assure the hon. gentleman he would never dishonour the patent, by carrying it to market. This pointed allusion called up

Mr. *Fox*, who said, the transaction alluded to, namely, his exchange of the clerkship of the pells in Ireland, for a pension on that kingdom, had nothing in it dishonourable: the patent he had received from his father, as part of his fortune, and, unconnected with the then administration, who applied to him, he consented to accomodate government, but on very bad terms for himself, as he had given away a thing of greater value, than that which he had got in return for it. This was the whole transaction. It had been a matter well known, a matter talked of in that House, and a matter that no one person, except the learned lord, ever thought disgraceful or dishonourable in the smallest degree. The place was no favour to him from the crown, no boon from his present Majesty or his ministers, but a legacy left him by one of his relations, as disposable by him as any other species of property whatever. Mr. Fox, after explaining this matter very fully, declared, upon his honour, that he knew not of the manner of the learned lord's accepting of the place of treasurer of the navy, and mentioned, that the Lord Chancellor had refused putting the seal to the learned lord's patent of keeper of the signet of Scotland for life, till he was appointed treasurer of the navy.

Mr. *Rigby* said, he was acquainted with the whole transaction of Mr. Fox's bargain, which was perfectly honourable, and in which there was but one thing censurable—the right hon. gentleman had parted with his patent for less than it was worth. As to the learned lord, he could vouch for him, that he had told him many months ago, that he was ashamed that a lord advocate, who was at the head of the bar in Scotland, should hold so lucrative an employment, and at the same time so very little connected with his profession, as was that of the treasurership of the navy. Having done this mutual justice to the lord advocate and Mr. Fox, Mr. Rigby said, he did not like the address, and yet he knew that in these times it would be in vain to oppose it. The sense of the House was clearly the other way; but unpopular as the declaration might be, he made no scruple to declare, that he disapproved of the act in question, and that he wished the power of the crown had not been so much limited as it was. He saw clearly, that from diminishing the royal influence, many of the present inconveniences of the country arose; and if the hon. gentleman's act was to continue in force, in two or three years it would be impossible to carry on the business of government in that House. He was of opinion, that the crown ought to remain in possession of what the constitution designed it to hold—the power of rewarding with honours and pensions; and so far from thinking there were too many pensions, he wished there had been at least one more. As that would probably be the last opportunity he should have, (since in all likelihood the Address would be carried, and then ministers dared not advise the crown to grant another pension) he said he would mention the pensions to which he alluded. It was a pension that had been much talked of last year, and even by the hon. gentleman over the way (Mr. Fox), a pension to lord Rodney. That noble lord had by no means been sufficiently rewarded. Mr. Fox had said, at the time he had just

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spoken of, "Why grant lord Rodney a pension; he may, perhaps, bring home half a million of money, and if so, he cannot want a pension. If, however, the case should be otherwise, and he should stand in need of one, undoubtedly it ought to be granted." He was persuaded the noble lord's fortune was not equal to the support of his rank, and therefore he hoped he would have a pension. He also expressed a wish, although he did not approve of the late coalition, that such an administration might be formed, as would rescue us from the derision of the world, and restore the country to its former respectable state. He would support such an administration, whether formed on a broad or a narrow basis.

Mr. *Chancellor Pitt* begged pardon for having omitted to state that it was in contemplation to settle pensions on lord Rodney and general Eliott for three lives; but as they were to be for lives, they could not be paid out of the civil list, and consequently were not within the act of last year.

Mr. *Elliot* said, that in order to shew that the Address had no retrospect, he would move an amendment, viz. to leave out "œconomical moderation," and insert "restrictions;" and to leave out "adhered to," and insert "observed;" and to leave out "grant," and insert "ordered to be granted;" and to leave out "is," and insert "are."

*Mr. Byng* justified Mr. Fox, with regard to his exchange of the clerkship of the pells of Ireland, and said, that the place had no sooner passed out of the hands of his hon. friend into that of the hon. gentleman, for whom it was purchased, (Mr. Jenkinson), than its value was increased 1,000*l.* a year.

Governor *Johnstone* charged gentlemen with want of courage, to come fairly to the point on these occasions; they declared themselves enemies to these pensions in the general, but were afraid to speak of the individuals to whom they were granted. He thought the House wrong from the beginning; for if the law attached from the first, then all the pensions hitherto granted were illegal; if the law did not yet attach, the crown was under no restraint at present. He observed, that the act of which he was speaking was a bad one in his opinion, as it took from the crown the power absolutely necessary to carry on government. He said, that the argument did not hold upon which the act of last year was justified, and the pensions that had been granted since. The act expressly forbad any pensions being granted, and yet he had the preceding day heard it ssserted, that lord Ashburton's pension was extremely proper, and that colonel Barré's pension was extremely proper; and this day he had been told, that the Lord Chancellor's pension was extremely proper, that lord Grantham's pension was extremely proper, that sir Joseph Yorke's pension was extremely proper, and that all the variety of lesser pensions were extremely proper. There must be something radically wrong either in the act of last session, or in these pensions; both could not be extremely proper. The plain fact was, that House had not the courage to meet a personal question. They were bold in advancing a theory; they flinched when they came to reduce it into practice. The governor next adverted to the repeated attacks on lord North, as the author of the American war. That noble lord was, in his opinion, cruelly used. It was the fashion now to call the American war the noble lord's war. The House could not be ignorant that it was no such thing. It was the war of the House of Commons; the war of the people of England; the war which this country in the hour of its madness began, and was determined to prosecute, in spite of reason and common sense. Let the House recollect how small the minority was that opposed it in its origin. Even the hon. gentleman who made the motion of the day, and a more independent and respectable member sat not within these walls, was eager for it at its commencement. That hon. gentleman had been loud in urging the necessity of maintaining the legislative rights of Great Britain; to attempt, therefore, at this time, to shift a common error off the shoulders of that House, and place it on those of the noble lord, was mean, unmanly, and unjust.

Mr. *Courtenay* said, that as the motion was explained to be merely prospective, and to have no reference whatever to the pensions already granted, he would very readily consent to it, though he would otherwise have opposed it; and for this reason, that he thought nothing could be more irrational, than that ministers who had signed a peace, which had fallen under the censure of the House, should be so far persecuted, as to be deprived of every species of consolation; and that whilst they had incurred the displeasure



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of parliament, and the abhorrence of their country, they might not be allowed the honest and reputable satisfaction which was still left them, of being a burthen to the public, or pensioners to the crown. And he thought it the peculiar blessing of this constitution, that ministers, whose conduct was despised and reprobated by one branch of the legislature, might still not only be protected, but cherished and rewarded by another branch; and that popular odium might be counterbalanced by royal favour. Let any humane person consider, what must be the wretched situation of men, who had lost every degree of reputation, and what was dearer to them, every emolument of office, if they were at the same time deprived of the quarterly comfort of a well-paid pension, that enabled them to look down with contempt on the people and their representatives, and to look up with gratitude to their sovereign. Mr. Courtenay observed, that it was unworthy Mr. Fox's usual liberality and candour, to reflect on gentlemen for having made a previous stipulation with the earl of Shelburne, as nothing so strongly evinced their thorough knowledge of that minister, as the caution with which they transacted and bargained with him, before they would engage to support his administration. The learned lord, it had been alledged, had one of his employments secured for life, and the other (lord Grantham) we were told, had a positive promise of a pension from the King. Both of them equally manifesting, by their conduct, that they had virtue, and it was necessary that virtue should be purchased for a valuable consideration, before they would part with it; and that they looked upon a promise merely from the earl of Shelburne as no consideration at all. In answer to Mr. Rigby's declation, that he would support any administration formed either on a narrow or broad basis, he said he should only observe, that he gave him entire credit for his declaration. He was persuaded that worthy gentleman had no other motive for his conduct, but to preserve peace and unanimity in the country, to maintain the due equilibrium between the crown and the people, and to hold to the last moment he could—every balance in his hands. Mr. Courtenay remarked, that the right hon. gentleman and some others of his description, dreaded and deprecated a coalition which would unite talents, integrity, property, and character, and form an administration, which would deride and set at nought the little subordinate cabals of intrigue and left-handed cunning, and reduce to their proper insignificance, men who had nothing to recommend them as objects of public attention, but their intrigues and their ingratitude. On the same principle that the right hon. gentleman thought the influence of the crown was too much diminished by the Bill of reform, he would also think it too much diminished by this horrible coalition; and therefore was of opinion, that the prerogative should be preserved entire in the crown, by appointing a ministry, if it pleased, without probity and without parts, without friendship, and without connection, without support in the House, and without confidence and approbation out of it. He said, he avoided observing upon the light in which the public would see this declaration of universal support to all administrations: the light in which malice would understand it, was this; that the two right hon. gentlemen's first view and purpose were to supplant and undermine the coalition they vilified; but being unable to accomplish that object, they were prepared, if convenience required, to support it; and not being able to acquire all that they would, they should temperately be satisfied with taking all they could, from ministers of any sort and every description—

Like the vile straw, that's blown about the street,
Some needy members stick to all they meet;
Coach'd, carted, trod upon—now loose—now fast,
And carry'd off in some dog's tail at last.

The question, as amended, was then agreed to.

*Debate in the Commons on the American Intercourse Bill.*] March 7. On the motion for going into a Committee on the American Intercourse Bill,

Mr. *Eden* rose to state the objections that occurred to him on the subject of the Bill. He declared it to be, in his opinion, of the greatest importance of any that he had ever seen in parliament, and consequently the most deserving of mature and serious deliberation. This Bill would introduce a total revolution in our commercial system, which he was afraid would shake it to its very basis, and endanger the whole pile. He said, that he had been the cause of the proposed Bill being deferred on a former day, and as every subsequent enquiry and reflection had tended to augment his alarms, he should once more object to going into the committee;

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but he adopted this mode, rather to entitle himself to enter into a general discussion of the subject, than from any ultimate intention to stop the progress of the Bill farther than might be necessary to its amendment; for he fully agreed that something was necessary to be done with all possible dispatch. It was a business the most complicated in its nature, and at the same time the most extensive in its consequences, that he ever remembered in parliament. He rejoiced to see a rising disposition to attend to it, and beheld many around him from whom he should expect very effectual aid and assistance. His objections went to different points, affecting every clause of the Bill; but he desired not to be charged with disrespect, in regard either to the right hon. gentleman who had introduced the Bill, or the learned gentlemen who had assisted in framing it. They had framed the Bill on a principle which had, in some degree, been encouraged by the whole House; he had himself been forward in desiring that a commercial intercourse with the late colonies should be opened on very liberal terms, ever regretting, however, that it had not been arranged in the Provisional Articles. In this, as in other instances of public business, it was not easy to see the dangers and difficulties of the measure, till it had been detailed in the form now before the House. The very title of the Bill called for serious regard. The words "provisional establishment," must mean a system to be established, provided that something is done; no proviso, indeed, was stated within the Bill, but it was understood to mean a similar system to be adopted in America. He could not recur to invidious remarks on these improbable reciprocities. He would endeavour to shew that the whole plan was utterly improper, even if it were more easy in its execution, and probable in its success. The first objection to it that struck him, was on account of Ireland. In order to explain this point, he must inform gentlemen, that, in the late settlement of that kingdom, those who were well-wishers to the harmony, friendship, and connection of England and Ireland, had introduced a clause into one of the Irish acts of parliament, that of Mr. Yelverton, by which the British Navigation Act was adopted, and made part of the law of Ireland; but still with this proviso, that it should cease to be binding upon Ireland, whenever it should cease to be binding upon Great Britain. The consequence that he apprehended from the Bill now before the House was this; it completely repealed the Navigation Act, and therefore, by virtue of the above proviso, it would of course be repealed at the same moment in Ireland, and then Great Britain might bid adieu to any Navigation Act to bind Ireland in future; the British legislature no longer enjoyed any power to legislate for that kingdom. But it might be said, that this was not an objection merely to the Bill before the House, but to any Bill which should repeal the Navigation Act. Here he begged leave to maintain a contrary opinion; it was allowed on all hands, that this Bill was only a provisional, a temporary Bill; but its effect, with respect to Ireland, would be perpetual; for Ireland had bound herself to observe the Navigation Act, as long as it should make part of the law of England, but no longer; if, therefore, it was once repealed here, though only for a time, the consequence would be, that Ireland would find herself freed from it for ever. How, then, could this be avoided or remedied? He had pointed out the mode three months ago; when he suggested the propriety of assembling the parliament of Ireland, that the legislatures of both kingdoms might go hand in hand in the regulations that might be thought necessary; but as matters now stood, the repeal of the Navigation Act preceding the meeting of the Irish parliament, we must lie at the mercy of that assembly, through the misconduct of our own rulers. But this was not his only objection. The American states lay so contiguous to our West India Islands, and this Bill giving the Americans leave to trade with them, there was no shadow of doubt but they would supply them with provisions from the continent of America, to the utter ruin of the provision trade of Ireland, which at present supplied the British West Indies; the fisheries of that kingdom would, of course, be ruined. The next thing to be apprehended was, that we should totally lose the carrying trade; for as the Americans were to be permitted, under this Bill, to bring the West India commodities to Europe, so he feared that the 600 ships of this country, which that trade employed at present, would become useless, not only to the great decrease of our revenue, but the absolute destruction of our navy, arising from the destruction of that great nursery for seamen. The sugar refinery of England would also, he feared, be destroyed by this Bill; for as

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the Americans could carry the raw sugars to their own country and manufacture them much cheaper than we could here, the consequence would be, that they would be able to undersel us in every market. He was not without his apprehensions for the loss of the hat trade; for, as by the Provisional Treaty, they had the fur trade resigned to them, and at their door, so of course they could manufacture hats at a much cheaper rate than we could, and consequently would monopolize the supply of the West India islands with that branch of commerce. There was another circumstance, perhaps, more alarming than all the rest; the Americans on their return from our ports might export our manufacturing tools, and our artificers emigrating at the same time, we should run the risk of losing our manufactures, perhaps the only advantage we as yet possessed over the Americans, and seeing them transplanted to America. This would be a stroke that our commerce would scarcely be able to survive. In fine, this Bill would place the United States on the footing of the most favoured nation, without leaving us so much as a hope that we should obtain any reciprocal advantages. He then adverted to the three paragraphs that immediately followed the provision already alluded to, which a right hon. friend of his (Mr. Burke) had compared to making love: he said, that they certainly were a sort of *epistolæ amatoriæ*, and as unmeaning as love-letters generally were. He observed, that these same plausible and weedling expressions, which the House had once seen in the Provisional Articles, and again in this provisional Bill, were taken from the preamble of the commercial treaty between France and the United States, where they stood with some effect and propriety.

The next enacting clause admitted the ships as the ships of aliens, and the cargoes as the cargoes of British subjects: on this it was observable that the distinction was not so unfavourable as many gentlemen might suppose, for though foreign ships paid a double duty to the light-houses, they were exempted from a shilling per man per month, and also from a tonnage and poundage duty, which was paid by British merchant ships. But the other part of the clause, which admitted all goods the growth, produce, or manufacture of the United States, was of a more serious nature, as it purported to give to a people now become a foreign state, the trading privileges of British subjects. How was the King hereafter to make treaties with the European powers, who claimed to be treated on the footing of the most favoured nation? And was parliament prepared to consent to the admission of all the world as British subjects? Besides, how would it operate as to subsisting treaties? He would select the Russian treaty of commerce as an example. [Here Mr. Eden read two articles of the Russian treaty, importing that the subjects of each contracting power shall have leave to trade in all the ports and towns where such leave shall be granted to any other nation; and that they shall pay no greater duty for the importation or exportation of their commodities, than is paid by the subjects of other nations.] Would not the Bill in question be a direct contravention of that treaty? The renewal of that treaty was probably now in agitation, as it was within two years of expiring; with what face would sir James Harris say to the Russian minister, — "Sir, I am instructed to renew the old articles, but you must prevail on the empress to overlook a peculiar circumstance? We are at the same time making a treaty with another foreign nation, to which we are giving the admission of all merchandises of the staple of the Russian empire, free from various charges and restrictions, to which the Russian imports are liable. I acknowledge that this is aukward, because the interests of Russia must at any rate suffer by the American independence: her growth and produce are the same as the northern states of America, but her ports are frozen during a considerable part of the year, when the American ports are open. It must be confessed, too, that your ships cannot approach our West India islands, without being forfeited; but the ships of that foreign nation, to which I allude, are there also to be received as British subjects." What would be the answer of that great empress; and what would become of the Russian treaty?

He added, that all these mischiefs were trifling, in comparison of what he was next to state. It had been easy to foresee that the American independence must tend to great convulsions in our commerce, the emigration of manufacturers, the loss of seamen, and all the evils incident to a declining country. Under such apprehensions, he, perhaps, and some others, had been governed in their conduct, even beyond a due policy and prudence. The

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hour of calamity was now come; many new embarrassments must arise; but he would not consent to increase or anticipate them, by measures of rashness and despondency. Under this caution, he would intreat the House to advert particularly to the clause which authorises a free import and export between the United States and the British West Indies. France had confined her treaty to Europe. The United States, by this article, would have infinite advantages from which our loyal colonies remain excluded; they would have advantages even against Great Britain and Ireland, from their proximity of situation to the islands, cheapness of labour, and frequency of voyages. Besides, they would supply our islands with all manufactures now sent from these kingdoms; he instanced the hat trade, for which they possess all the materials, the oil trade, spermaceti candles, provisions, fish, &c. And, he observed, that the loss of some of these branches would peculiarly affect Ireland. But the worst was still to come; they would gradually, and in a course of years, possess themselves of the carrying trade; and he accordingly stated the collection and progress of an assorted West India cargo from North America to the islands, and thence to Europe, to bring back for the supply of these islands, a supply of German linens and Dutch teas. Thus, he said, the kingdom would gradually lose the great nursery for its seamen, and all the means of manning ships in times of emergency, and would thus decline and languish during peace, and be helpless and dependent during war.—On the clause with regard to exports, he stated the difficulty of allowing drawbacks to a foreign state, when the old safeguard of certificates was lost. He said that all these sacrifices were made without cause or probable advantage, and if they were reasonable on an established system, he still could not think them either wise or becoming to be tendered without a confidence of any return. He supposed that his national pride must sink with the sinking pride of the nation; but he was not yet brought so low as to be reconciled to the modern plan of gratuitous and endless concessions. He would only observe, that if so many objections were obvious to a mere individual, it might be presumed that there were many more which would not escape the ingenuity of millions interested in using such a Bill against all the dearest interests of these kingdoms.

Having thus stated some of the objections that occurred to him against the Bill, it might perhaps be expected that he should suggest some better plan for opening the intercourse; to that, however, he professed himself unequal; but still, if he might venture to give an opinion, it would be merely that the Prohibitory Acts should be repealed; and that the king in council (not the cabinet) might be vested with powers, for six months, to suspend, from time to time, as he should see cause, such laws as he should find to stand in the way of an amicable intercourse; this would obviate his objection relative to Ireland; the treaty of commerce might, in the mean time, go on, and a reciprocity of advantage might be made the groundwork of a permanent treaty: at present, the Bill before the House would place the advantage all on one side, and perhaps drive us afterwards to the disagreeable and dangerous necessity of repealing what we were now going to enact.

Captain *John Luttrell* said, that he could not consent to the Speaker's leaving the chair, for the purpose of committing a Bill of such vast importance, pending this kind of ministerial interregnum, unless the right hon. mover, or the gentlemen of the long robe, who sat near him, would avow themselves to be answerable for the consequences of it: he thought, in truth, they ought to be so, because he feared we had to lament the necessity of its introduction, as proceeding from their inattention and neglect; but, still, should a change of ministers take place, while the Bill was on its passage through either House of parliament, it might, perhaps, be said by one set of men, that it had proceeded too far, when they came into office, for its progress to be stopped; and by the other, that had they not retired, the objectionable passages would have been corrected in due time; thus, whatever fatality might attend it, none were to be answerable. He wished that mutual convenience might issue from our traffic with America, but he was sure that this country had not yet obtained mutual advantage; we had granted to America a right to fish, not only at Newfoundland, but on all the coasts and in all the harbours, rivers, and creeks belonging to his Majesty's dominions in North America. No such advantage was obtained for our people to fish on their coasts; and he would put this question to the right hon. member, had he required from them any security that the commerce

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of this country should not be put on a worse footing than that of other nations? Such stipulations had heretofore been made between us and Spain, and between us and Portugal, when it was not so necessary; and although our West India planters might hope to find vent for their superabundant produce in North America, if the duties on the imposts of British ships were to be higher (which he had too much reason to believe would be the case) than those of the French, Spanish, or Dutch, we must fail in that expectancy. We had, it was true, prohibited the Americans from drying their fish on the island of Newfoundland, but we had permitted them to do so on that of Cape Breton, a very small part of which was settled; it was certainly as convenient for the purpose, and as much in the vicinity of the best fishing banks, and they would thereby be enabled, by the additional favour of this Bill, to come to our own markets before us, and greatly to undersell us, who must have the expence and delay of a voyage to make out, as well as home. Thus, coupling the extensive right of fishing the ministers had given to France, with what the Americans would enjoy, who did not see, that the nursery for seamen and the valuable trade of that country, would dwindle into inconsiderable gain at best, even if we could sell on as good terms as the Americans, which he held to be impossible? Then, how could he approve the principle of the Bill, unless the right hon. mover could justify it on the ground of necessity, or shew that it was likely to coax the Americans to give us something like equal advantage? Was he or the learned gentlemen sure they duly considered the matter? Was the measure sanctioned by the opinions of great commercial characters, which, in a question of this sort, he should most respect, if they went merely on their own judgment, much as he suspected it on professional points.

Mr. Chancellor *Pitt* said, it was a little surprising to him to hear it seriously argued, that the Speaker should not leave the chair, in order for the House to resolve itself into a committee on a bill, undoubtedly the most complicated in its nature, and at the same time the most extensive in its consequences, that ever had been submitted to the consideration of parliament; a bill, too, that had been anxiously, loudly, and repeatedly called for from all sides of the House. The hon. gentleman who spoke last had thought proper to allude to the present unfortunate situation of government. The House would, he believed, give him full credit, when he declared, that no man in the country felt that situation more irksomely, or lamented it more sincerely than himself. It was well known, that he did not consider his present situation, as that of a person permanently a minister; he held it simply till a successor was appointed, and no gentleman, of any party, could look forward to that moment with more eagerness than he did. In the mean time, however, painful as the task was, he thought it his duty to carry on the public business with as much dispatch and attention, as his judgment and abilities would enable him to give it. With regard to the Bill in question, situated as he had described himself to be, he felt very forcibly how much the subject pressed, and that some bill ought to be produced, and submitted to the consideration of that House, with as little delay as possible. He had, therefore, as well as the small portion of his leisure would allow, and as fully as his little share of knowledge of commerce would enable him, turned his thoughts to the subject of the present Bill; but he did assure the House, he had been far from feeling the presumption, that he should be able at any time, much less under the present unfortunate circumstances of the country, and under those other circumstances he had described, to produce a bill of that vast and comprehensive nature fit to pass into a law, and which would not acquire very considerable alteration and improvement indeed. But the hon. gentleman had called for some minister to be responsible for the Bill; was the hon. gentleman aware, that in the strict and proper sense of the word responsibility, no minister in the most complete and settled state of administration was responsible for the effect of an act of parliament? Where the exigency of affairs made a new law necessary, with regard to the regulation of the commerce of the country, it was the duty of ministers to take proper information upon the subject, and to bring in a bill to the nature of the case in question. Having done so, it rested with the House to adopt or reject, to alter, amend, or modify such a bill, according to their wisdom and judgment; and, therefore, with regard to the present Bill, the hon. gentleman was to be full as responsible as his Majesty's ministers; if the Bill passed into a law, the legislature would then bear the



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responsibility of it. He was by no means tenacious of any part of the Bill then under consideration; he trusted that, on all sides, the House would concur in opinion that some Bill was indispensably necessary. He laid the bill before them, therefore, that it might be moulded and modified in such a manner, as should render it practical and useful. It had been said, that by the Bill, as it stood, we gave America much, and were not sure of receiving any advantage in return. From the nature of the case, the Bill was necessarily an experiment, and, what was worse, an experiment hazarded in a great measure upon conjecture; both the difficulties arising from that circumstance were unavoidable. It was still farther highly probable, that the government would pass into other hands, before the Bill could go through both Houses. This was indisputably an additional inconvenience; the case, however, under all its difficulties, must be met fairly; and he trusted, that from a due consideration of the state of the country, there would on this point, though he feared it might not be easily obtained on any other, be a real coalition, and that the House would unite its abilities in rendering the Bill as perfect and as practicable as possible. He solicited the assistance of every gentleman present, and flattered himself there would that day be no desire expressed, but how the Bill might be moulded and modified, so as to be likely to prove most useful at home, most acceptable in America.

Mr. *Burke* laid at the door of ministers all the mischiefs that were apprehended, and might arise from the Bill: they were to be all ascribed to their neglect; and it was astonishing indeed, that in the course of seven months negociation with the American commissioners at Paris, not one commercial regulation to form an intercourse between the two countries had ever been so much as talked of. The interregnum which had now actually shewn itself, he feared, had taken place many months ago, at least there had been, it was obvious, an interregnum of all attention to duty, and all regard for the first and most important interests of the country, when the provisional treaty was negociated at Paris. To that interregnum, he in his conscience believed, were owing the difficulties the House laboured under at that moment. Had not his Majesty's ministers been guilty of the fatal neglect of not preparing and providing an article for the future regulation of the commerce of this country and America, when they negociated the treaty with America, the House would not then have felt itself embarrassed as it did, how to proceed with the present Bill. When he had heard that Mr. Oswald was sent over to Paris as a negociator, he took it for granted, it was to negociate a commercial treaty. He could not possibly conceive, that when the noble lord at the head of administration had the most experienced geographer in the world at hand, that he would have pitched upon a merchant to negociate a geographical treaty. That noble lord, instead of applying to those persons, who could have given him some information about the fisheries, Mr. Holdsworth and Mr. Brett, had sent merchants into the woods, who could give him no assistance. The two negociators having passed seven months without having done any thing for the commerce of this country, put him in mind of two Irishmen; one of them being asked what he was doing, answered—nothing; and the other having been asked the same question, replied—I am helping him; so that it looked like the cross-readings we met with in the newspapers, to see men's talents, which nature designed for one line of business, employed in another, for which nature had not qualified them. This surely was singular conduct in ministers: but this was not all; for the provisional treaty, such as it was, was signed on the 23d of November, and yet no plan, no system of commercial intercourse had since been formed; but in the month of March, a crude and undigested Bill was brought to parliament, without any previous communication with the Americans. However, such as it was, considering the necessity of the times, he would support the principle of the Bill, though he disliked the clauses. Mr. Burke displayed a great deal of humour in comparing this country and America to a man and a woman courting: he said, the present Bill was somewhat like a courtship, if any were to take place between himself and a lady, where the natural order of things would be reversed, and the lady would have much to give, he little or nothing to return. So, in the instance of the Bill before the House, Great Britain was extremely fond in her wooing, and in her love-fit was ready to give largely: whereas, to his knowledge, America had nothing to give in return. A right hon. member, who had displayed an uncommon degree

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of commercial knowledge, was afraid that we should lose our manufactures, by the emigration of our artificers, and the exportation of our working tools; as to the latter, it was really not worth mentioning; it was one of the puerilities of our laws to forbid the exportation of manufacturing tools; but this was a farce; we might as well attempt to prevent the making of hay in America, by forbidding the exportation of scythes. As to the emigration of artificers, he did not think it possible to prevent it; nor indeed would it be very wise to attempt it; but still he saw little danger from this of our losing our manufactures: it was very well known, that before the war, 8,000 persons used to emigrate in a year from the north of Ireland to America, and yet there never was a linen manufacture set up there; the reason was obvious; these persons betook themselves immediately to agriculture, and the grazing of cattle. The cheapness of land, and above all, the idleness which necessarily attended upon the cheapness, and which was the great and principal boon that America held out to emigrants, naturally prevented men from thinking of manufactures; and while there was an immense extent of territory, of nearly 900,000 square miles, to attract the attention of the inhabitants to agriculture, we had no reason to apprehend that they would be able, for a very long time indeed, to rival us in manufactures. As to the provision trade, the Americans had it always, for they supplied the islands for years back with provisions; the loss of the sugar trade, indeed, would be a heavy one, and perhaps it must be lost one time or other, but he did not apprehend that the loss was near at hand.—As to Russia, he did not think that she could have any right to be offended; she had a right, indeed, to be treated as the most favoured nation of any in existence, at the time the treaty was made; but the case of America was a new case; it was a nation *sui generis*; and therefore was an exception to the treaty, and consequently might be treated better than Russia, without any breach of treaty. Ireland might be said to be an independent kingdom, and yet no nation had ever expressed a jealousy at her ships being more favoured in this country than any other. With regard to Ireland herself, he had not a doubt but she would readily adopt any commercial regulations that England might, in this instance, be under the necessity of making. The principle that he wished to lay down, with respect to America, would be not to treat her subjects as aliens; he would still treat them as fellow-subjects, as far as he could; and establish his regulations rather by an improvement of the old commercial system, than by an introduction of a new one. By the old laws, it was necessary that the American ships should be registered, and bring their certificates with them; now he would have all prohibitory acts, and all those relative to the registering, repealed, and leave the American vessels in every respect as they were before, in point of trade.

Mr. Solicitor General *Arden* said, that he and his learned colleague had been called on, in an extraordinary way, to be responsible for the present Bill. That requisition he was by no means disposed to comply with, because he pretended to know nothing of commerce, upon regulations of which the Bill was wholly founded. All the concern that he had in the measure, was in adapting such principles, as were suggested to him, to the law, as it stood in the various statutes that had relation to the object of the Bill. When he was called into his Majesty's service, he did not expect that he was to take upon him the responsibility for commercial systems, of which he had no knowledge; much less did he think, it would be expected that he should go a courting to America: he was very facetious in his playing on the idea of his being appointed to make love to America, and said, that surely if Great Britain wished to succeed, she would appoint a man of more gallantry and better appearance than himself to be the wooer. He stated circumstantially the particular reasons that had induced him to word the clauses as they appeared in the Bill. He had been fully aware of the danger of throwing the carrying trade wholly into the hands of America, and had endeavoured to guard against it; and it would be found, that though America, had an advantage given her by the Bill, on her importation of her goods into this country, that she was disadvantaged with regard to her exports from hence.

Mr. *Fox* agreed with Mr. Burke in the propriety of this measure; he agreed with him also in charging ministers with neglect: he never could have imagined that the seven months negociation had been about any thing else but commerce; for

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the independence being the very preliminary of the whole negociation, he never could have imagined that the negociation could have turned on any thing but commercial regulations. He was almost of opinion, that the Bill would amount to an infraction of the treaty with Russia, and also with Denmark; and therefore the House ought to be very cautious how they proceeded: he was willing that the Bill should go to a committee, that the most exceptionable parts might be amended. At present the House was laid under very great difficulty; there was ample ground for censure, and yet it would be extremely hard to censure the right hon. gentleman, who certainly was in no shape to blame. Mr. Fox talked of the strange idea of thinking the business of government could not be conducted in that House, unless some person high in office, and fully responsible as a minister was in it. If the country was to remain as it was, the wisest way would be for that House, upon all great and important considerations like the present, to chuse a small committee, consisting of four or five of its best informed members, to make the necessary enquiries, and having grounded a bill upon the facts, to bring it into the House for their discussion and improvement. He thought the present Bill an infraction of our treaty with Russia, and pointed out a variety of imperfections, which rendered it indispensably necessary that it should go to a committee.

The House then resolved itself into the Committee.

*Debate in the Commons on the Duke of Richmond's Report on the Ordnance Estimates for the Year* 1783.] March 10. The order of the day was then read, for referring the Ordnance Estimates, and also the following Paper to the Committee of Supply:—

Report on the Estimate of the Ordnance for the Year 1783.

"The Estimate for the Ordnance, which I have the honour to lay before this honourable House, being very different from those which it has been customary to present, I think it my duty to submit the grounds upon which I have thought necessary to deviate from the plan of former estimates.

"The two main objects of Estimates seem to be, 1st, To know what will be the whole amount of the expense for the year. 2dly, To have a distribution of that expense under distinct articles. But the Estimates of the Ordnance, as hitherto presented, do not appear to me to answer either of these ends.

"The arrangement of Ordnance Estimates has been very properly made under three heads, viz. the Unprovided, the Ordinary, and the Extraordinary. The Unprovided is not properly an estimate, but an account of debt incurred in the preceding year without the authority of parliament; and consequently ought to consist only of such very few articles as could not be foreseen, but which emergencies made necessary to provide. The Ordinary and Extraordinary form the Estimate for the ensuing year. The Ordinary should contain a true account of the whole establishment and expences that are of a permanent nature, and likely to occur every year. The Extraordinary should contain a computation of such expences as are temporary, together with the probable cost of new works.

"To what degree the Estimates hitherto delivered have been correct materials to shew the whole expence necessary to be provided, will be seen by comparing the Ordinary and Extraordinary for some years past with the exceedings that appeared in every subsequent year under the head of Unprovided. If the Ordinary and Extraordinary had been formed upon just calculations, the exceedings under the head of Uuprovided in a subsequent year could have been but trifling; whereas it appears that, for the last seven years, the Unprovided has upon an average exceeded, by 116,924*l.* 8*s.* 4*d.* in each year, both the Ordinary and Extraordinary put together; so that in fact the requisition to parliament has every year been considerably less than half the sum really wanted.

"But even this subsequent charge of Unprovided by no mean closes the account; as a statement of debt, it ought to state the whole of the debt, but it does no such thing: a large arrear of undischarged debentures remains behind till the end of the war, when there appears a vast debt, of which parliament has not had the least knowledge, either as to its extent or causes, although it has been continually accruing, whilst estimates and incomplete accounts of debts have been yearly presented. This debt, at the close of the last war, was 595,423*l.* 2*s.* 5*d.*: it is now near three times that sum.

"Besides these defects in the general

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statements of the Ordnance Estimates, they are equally deficient in giving either a distinct or genuine account of the articles that are stated. One article, in the Ordinary, is called, 'The Ordinary of Office, comprising repairs of store-houses, magazines, barracks, platforms, carriages, stores for garrisons, rents, salaries, and incident charges.' So strange a mixture of heterogeneous matter seems rather to confuse that explain, and moreover is not a genuine account of their cost, which appears to have constantly and considerbly exceeded the charge delivered to parliament. This charge in the estimates has uniformly for many years been identically the same sum of 36,092*l.* 7*s.* 6*d.* although the expense of office has been increasing, although repairs and incident charges must, from their nature, be continually varying; and in fact the actual expenditure has been 69,325*l.*

"From these observations, it appears, that the whole of the Estimate on the former plan cannot be satisfactory; charges are made under various heads for money; but the articles for which it is voted have no specific relation to the real expenditure. A gross sum is obtained for land service, which, together with that received for sea service, forms an aggregate fund, from whence various expenses, very different from those in the estimate, are in part defrayed; and what can best wait, accumulates as a debt, hereafter to appear in one lumping sum before parliament, in the shape of out-standing debentures, unaccompanied with any account to shew how it has been incurred, or how the money has been actually employed.

"The present Estimate endeavours to avoid these defects. It begins by stating the actual debt, made up as correctly as could be collected, amounting to 1,724,503*l.* 11*s.* 1*d.* It next states, under the head of Unprovided, the exceedings in 1782 beyond the grants of parliament, which, from the deficiency of last year's estimate, were unavoidable: but notwithstanding the vast demand for Gibraltar, they have been kept so within bounds, as to be by 80,464*l.* 12*s.* 10*d.* less than they were the year before.

"The distribution of this expenditure in the Unprovided, formerly made under the head of the several articles supplied, is now arranged under the head of places where the same has been incurred, which, it is presumed, will appear more distinct. The whole of this article amounts to 819,259*l.* 2*s.* 9*d.* which, when paid, will reduce the debt to 905,244*l.* 8*s.* 4*d.* And this, from the most accurate calculations which the office could produce, closes the account, and, it is believed, leaves no arrear whatever behind.

"The Ordinary of the present Estimate brings forward the whole establishment of office of every kind, and divides it, with much greater accuracy than heretofore, under the distinct head of places where the expenses were incurred. It amounts to 233,363*l.* 6*s.* 11*d.* Under this head, it may be proper to observe, that various salaries, in the civil establishment, have received an augmentation of 1,973*l.* 16*s.* 4*d.* since last year, in order to give competent incomes to the persons employed in lieu of perquisites, private fees, and private agencies, all which are now entirely abolished. But this increase of 1,973*l.* 16*s.* 4*d.* has, by the savings made in consequence of new regulations for the conduct of proofs of powder and ordnance, and by restraining the expense of coach-hire, messages, and other articles, been reduced to 964*l.* 15*s.* 3*d.* in present; and when the salaries of sundry offices, now suppressed, amounting to 1,170*l.* 7*s.* 6*d.* which are to cease with the present possessors, shall fall in, there will be no excess, but a saving of 205*l.* 12*s.* 3*d.*

"The corps of engineers, composed entirely of officers, which forms another branch of the Ordinary, it is supposed will be thought necessary to be kept up. The royal regiment of artillery, immediately before the war, consisted of four battalions of eight marching companies, and two invalid companies each; since which, each battalion has been augmented, one to eleven, and the three others to ten marching companies; and the invalids have been formed into a separate battalion, also consisting of ten companies. The establishment now proposed, leaves the same number of battalions and companies, except one, but reduces one officer and 48 men per company from the war establishment of last year. The reduction of men will be amongst the matrosses only, preserving the serjeants, corporals, bombadiers, and gunners, who are the best men, and many of whom would be entitled to pensions on their discharge. This reduction will produce a saving of 37,917*l.* 8*s.* 4*d.* per annum, which will take place in July next; and a farther saving of 9,976*l.* 13*s.* 4*d.* will be made by supplying the vacancies of serjeants, cor-

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porals, bombadiers, and gunners, with matrosses only, till the establishment of each company is reduced to two serjeants, two corporals, three bombadiers, fifty-three matrosses, and two drummers.

"It is farther proposed, as fit men can be found, to employ a considerable part of the regiment as artificers and labourers in the laboratory, in making gun-carriages, and in other works at Woolwich, Purfleet, and the out ports, giving them only half of what is now paid for such business; whereby it is computed, that a saving from 12 to 15 thousand pounds a year may be made; the duty will be more regularly performed; and the regiment will have a body of artificers, always much wanted on service.

"The superannuated list is a great, but unavoidable expense; a variety of pensions and useless offices, which appeared in different articles, are now brought altogether under this, and they will cease with the present possessors. But the greatest part of this expense is owing to the necessary consequence of a long war and severe service operating on a large establishment.

"The extraordinary amounts to 397,249*l.* 5*s.* 11*d.* This charge may be divided under the following general heads; viz. The remains of the war, 189,646*l.* 8*s.* 11*d.*; common incidents, 54,827*l.* 7*s.* 11*d.*; fortifications abroad, 19,100*l.*; fortifications in Great Britain, 101,192*l.* 11*s.* 9*d.*; buildings in Great Britain, 32,482*l.* 17*s.* 4*d.*; total, 397,249*l.* 5*s.* 11*d.* The first of these will entirely cease with this year, and the second will probably be considerably diminished. The fortifications abroad may increase. The fortifications at home depend upon the system that may be adopted. At the close of the last war, the few field-works that had been thrown up, were totally neglected, and suffered to go to ruin; the consequence of which was, an immense sudden expense at the breaking out of this war. An opposite extreme of fortifyng every where has been since pursued.

"It is at present proposed to confine future works to the principal dock-yards. It is computed, that to render Portsmouth and Plymouth complete, will require 4 or 500,000*l.* which at 50,000*l.* per annum, will be done in eight or ten years. The sum of 46,384*l.* 13*s.* 3*d.* is asked in the present estimate for new works. The other sums for fortifications are only for repairs and improvements of old works, and to finish such works in various places as are nearly done, or may be in some degree completed at a small additional expense, without which, that already laid out would be entirely thrown away.—The buildings, consisting chiefly of magazines and store-houses, are unavoidable.—Every expense that is probable to occur, is now brought forward in the estimate; and it is hoped and believed, that, under proper restraints, it will be found sufficient to answer every purpose, without being obliged to recur to parliament next year for any aid under the head of Unprovided, unless services totally unforeseen may arise.—The expense of a sea service must remain uncertain until it can be entirely separated from the land service; to make this distribution, will require much time and arrangement, and some additional buildings. But when this desirable object is attained, the expense of sea service may, as well as that for land service, be ascertained with precision, and the debt on that account, (if any), will appear.

"In addition to this estimate, there seems wanting an account to shew how the money granted has been actually applied towards the services for which it was voted. Such an account for last year will shortly be laid before parliament; but, for the reasons above stated, cannot be so accurate this year, as it hereafter may be made. It is earnestly hoped, that provision will immediately be made, for discharging, in some certain period, the debt of the ordnance, which now so greatly depreciates the value of debentures, and renders all contracts depending on such uncertain payment, so disadvantageous to government. When this debt is put into a regular course of payment, all future bargains may immediately be made with ready money, which has been found by experience to produce, in many instances, a saving of from 20 to 30 pounds per cent.

"A farther benefit will arise to the public from the method of dealing by open contract, as will appear by the considerable reduction of price, made even under the disadvantages of the present mode of payment, in the following articles, viz.

"The new contract for horses, reduced from 1*s.* 9*d.* to 1*s.* $\frac{3}{4}$*d.* per day per horse; with several other circumstances very andvantageous to government. Copper hoops, reduced from 135*l.* 6*s.* 8*d.* to 102*l.* per ton. Shot from 11*l.* 15*s.* to 10*l.* 6*s.* per ton. Match from 23*l.* to 16*l.* 5*s.* per ton. Powder barrels, whole, from 3*s.* 9*d.* to 3*s.* 2*d.* each. Ditto, half, from

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2*s.* 6*d.* to 2*s.* 2*d.* each. Purbeck stone, from 10*s.* 9*d.* to 10*s.* 8*d.* per ton; to be paid in six months, in course of office. Sand-bags, bushel, from 8¼*d.* to 7*d.* each. Small arms, Dutch, from 1*l.* 7*s.* 6*d.* to 1*l.* 1*s.* each; to be paid in six months, in course of office. Brass-work for muskets, from 1*s.* 2*d.* to 1*s.* ½*d.* per lb. Wheel-barrows, from 14*s.* to 11*s.* 6*d.* each. Hand-barrows, from 4*s.* to 3*s.* 3*d.* each. Iron spades, from 1*l.* 16*s.* to 1*l.* 13*s.* per dozen. Iron shovels, from 1*l.* 16*s.* to 1*l.* 13*s.* per dozen. Saltpetre, from 115*l.* to 72*l.* 7*s.* per ton. Shells, 13 and 10 inch, from 13*l.* 15*s.* to 12*l.* 6*s.* per dozen. Shells, 8 inch, from 14*l.* to 12*l.* 6*s.* per doz. Shells, 4 2-5ths inch, from 17*s.* 6*d.* to 14*s.* 6*d.* per cwt. The savings on these articles must depend on the demand; and according to that of the last three years, would have amounted on an average to 95,380*l.* annually. RICHMOND, &c.

"Master General of the Ordnance."

The preceding Report being read,

Mr. *Kenrick* rose, and desired, before the Speaker left the chair, to make a few observations on the above report. He accordingly went into a train of reasoning upon the duke of Richmond's report, answering most of the arguments urged in that paper.

Mr. *Minchin* differed from the hon. gentleman in opinion. He said he had repeatedly complained of the manner in which the public estimates had usually been laid upon the table. They had been called upon to vote away the public money, without having accounts before them to prove, that the estimates for which they were to vote, had any foundation. He thought the noble duke entitled to very great praise for having set the example what sort estimates of ought to be laid before parliament. In his mind, the public accounts should always precede the estimates for which they were to vote, and to vote in any other manner was to abuse their trust as guardians of the public purse.

*Mr. Courtenay* said, that the report glanced such charges against the last Board, and the noble lord (Townshend) who had presided over it, that justice rendered it necessary, that he should make some observations, to meet the prejudice that the report might create, against those who had not ill deserved at the hands of their country. The perspicuity, the perseverance, and the vigilance of the noble duke, in watching public officers and ministers too, were not to be disputed; and he was ready to say, that the report was drawn up in a masterly manner, and wanted nothing to make it complete but fairness and candour: in these two points he thought it defective.

The first article in the Report, stated, that, by the new contract for horses, the price for each horse was reduced from 1*s.* 9*d.* per day, to 1*s.* 0¾*d.* On this article, he would say, that the contract for 1*s.* 9*d.* was precisely on the terms, with that which had been made many years ago by the late marquis of Granby, when he was at the head of the Ordnance: a right hon. general in his eye (Conway), had also thought this a reasonable price, or rather an advantageous one, for he had also renewed the contract, when that which the noble marquis made had expired. Here, therefore, were two precedents, which the noble lord lately at the head of the ordnance could not, and ought not, to have thought it improvident in him to make the rule of his conduct in renewing the contract for horses.—But there was another reason for believing, that, at the time, the contract was not deemed disadvantageous to the public; and that was, that the contractor, finding it not advantageous to himself, had applied to the Board to be released from it; the Board, however, thinking they had made a good bargain, refused to comply with his request; and told him, that if he did not perform his engagement, he should be sued for the penalty of his bond. It was true, that the Board would afterwards have annulled the contract, if they could; but, having taken the opinion of the crown lawyers on the subject, it was found that the contract, having been made for years, could not be voided. The noble lord, therefore, who was last at the head of the ordnance, was justified by the two precedents already quoted, for having made the contract; and his subsequent endeavours to break it, and make a new one more favourable to the public, would scarcely be deemed no less meritorious in him, than it was in the noble duke to make a new contract, which he was enabled to do, by the expiration of the old. The next article he should consider, was, that of the copper hoops, the price of which had been reduced in the contract made by the noble duke from 135*l.* 6*s.* 8*d.* per ton to 102*l.* This reduction, he could not, in justice, ascribe wholly to the vigilance of the noble duke, but to a cir-

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cumstance, of which it was impossible for his noble predecessor at the Board to have availed himself: the circumstance he alluded to, was, a fall in the market price of the article of copper: the price had fallen at least 15*l.* per cent. at once; and, as it must fall still lower, on account of the peace, the new contract would have been unreasonably improvident indeed, if it had not been infinitely lower than the contract made by the noble lord, which, having been made during the war, must, of course, have been subject to the enhanced price occasioned by the war. The noble duke, and the noble lord, had each acted according to the circumstances of the times; the latter, therefore, had been under the necessity of treating for the articles he wanted at the war prices; while the former was enabled by the conclusion of tbe war, to make better terms, by purchasing at peace prices. If the noble lord had been the successor, and the noble duke the predecessor, at the Board, the contracts would, in all probability, have been nearly the same as the House found them; and as there was no merit in having made peace contracts, at peace prices, so there was no demerit in having made war contracts, at war prices.

The next article that he intended to make some observations on, was the article of shot, which, in the new contract, had been reduced from 11*l.* 15*s.* to 10*l.* 6*s.* per ton. On this subject he would make a remark, that might be applied, not only to this, but to almost every article in the report: a great demand for any commodity necessarily enhances the value of it; on the other hand, the value of it falls, when the demand ceases to be great. This would account for a considerable part of the difference in price of the ton of shot; for the carrying on the war, an immense quantity was necessary; the demand of course was immense, and the price consequently bore a proportion to the demand; but now that we were at peace, we no longer wanted such great quantities of shot; and, therefore, the noble duke was almost master of his own terms; and it would have been wonderful indeed, if he had not made a good bargain. But there was another way to account for its being so good; the contractor had agreed to take back in old shot, half the tonnage that he should furnish of new, and of this he knew how to make his profit.—The price of match he found reduced in the report, from 23*l.* to 16*l.* 5*s.* per ton. This was a considerable reduction; but he would not hesitate to assert, that it was not a jot greater than ought to have been expected, all circumstances considered; it was well known, that except in time of war, this kind of match was of little or no use; and therefore, though when we wanted it, we were obliged to give a considerable price for it, yet when we ceased to have a great demand for it, those who had match to sell must of course offer it for very little or no profit; nay, they would sell it under prime cost, for this very obvious reason, that having no other market, but at the ordnance office, they must lie out of their capital till next war, or else agree to sell it on very moderate terms: it was to the peace, therefore, that we owed the reduction of this article; and it was to the war that we ought to ascribe the enhanced price paid for shot in the contract under the last master-general of the Ordnance—The noble duke's report stated, that the price of powder-barrels had been reduced from 3*s.* 9*d.* to 3*s.* 2*d.* each. And here he must take an opportunity to observe to the House, what a want of candour and fairness there was in this article: it appeared, indeed, that there was a saving of 7*d.* on each barrel; but did the report state, that the barrels for which the master general gave 3*s.* 9*d.* were made of oak, and that those for which the noble duke was to give only 3*s.* 2*d.* were to be made of beech? He was sure the noble duke had not sunk this small piece of information from any design of throwing blame on his noble predecessor in office, by shewing that he had wantonly thrown away so considerable a sum as 7*d.* on every powder barrel would have made, but that it arose merely from accident, and not at all from any invidious view. But he must remark on this subject, that the noble duke's saving on this article, would turn out to be a loss to the public: the noble lord who had preceded his grace at the Board of Ordnance, had the advantage of knowing pretty well from experience, what gunpowder was, and he knew how it ought to be kept; he knew that when it was not kept in oak barrels, it was hard to preserve it in long voyages; and that consequently it would be a very false economy indeed to make use of beech instead of oak, in barrelling powder; for beech was known to be a very porous wood, which of course would shrink and contract

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in dry, and would swell in moist climates; the value of a barrel of gunpowder he understood to be 5*l.*; he would therefore leave it to the House to judge which of the two had acted more wisely, the noble lord who had given 3*s.* 9*d.* for a barrel made of Hamburgh oak staves, the best calculated to resist both the heat and dampness of different climates; or the noble duke, who to save 7*d.* had purchased barrels made of a kind of wood the least fit in the world to resist the moisture and dryness of the air: the object to be preserved in each barrel was worth 5*l.* and the saving in the barrel only 7*d.* In the oak barrel the powder would be more secure; in the beech barrel it would be most liable to be spoiled; the plain state of the case was therefore precisely this; that in order to save 7*d.* the noble duke had run the risk of losing 5*l.* Yet he would presume that his grace acted from the best motives; for he could not suppose that he had any partiality for the beech that grew on the hills of Sussex. The next article to be considered was that of sand bags, which, by the way, he must say, was an article that had never before been introduced into an ordnance estimate; but this only *en passant*: on this article, however, he could not say as much in praise of the noble duke's economy, as his grace might perhaps expect; for it seemed that what he had gained in one point, he had lost in another. It was necessary to observe to the House, on a subject so new to them as the estimate for sand bags, that the bushel sand bags were those for which there was the least use in military operations; indeed, there was little or no use made of them; but on the other hand, there was very great use made of the half-bushel sand bags; now it so happened, that the noble duke had beat down the contractors in the price of the bushel bags, for which there was so little call, and had made it up to them in the half-bushel bags, by giving them a greater price for them than had been given by his noble predecessor at the Board. And here it was necessary to observe, that it would have been no more than fairness to have stated the two prices of the two different kinds of bags, and not lump them both in one; for the House being uninformed of the circumstances, must be shocked indeed at hearing that the price of sand bags had been reduced from 8¼*d.* to 7*d.* each bag: he declared that he could scarcely repress his indignation at a statement which, while it conveyed to the House the idea, that the late Board of Ordnance had paid on the article of sand bags so much more than what ought to have been paid, struck immediately at the dignity and honour of a noble lord who had preceded the noble duke; and who was second to no man in the kingdom for disinterestedness and regard for the public interest. That noble lord's contract, indeed, gave 8¼*d.* for every bushel sand bag, for which there was very little call; and from the circumstance of their being but little call for them, there was less merit than might appear at first view, in the noble duke's having saved a 1½*d.* on each: but the merit was totally lost, when it was considered that for the half-bushel bag, for which there was great call, the noble duke had agreed to give two thirds of a half-penny more than his noble predecessor used to give: and, therefore, when this was taken into the account, the House would see in what point of view they ought to place a statement, that said there had been a saving of more than one half on the article of sand bags.—He felt very little less indignation at the next article, relative to small arms (Dutch) which stated a reduction in that article, from 1*l.* 7*s.* 6*d.* to 1*l.* 1*s.* each stand. To explain this matter, he must inform the House, that some years ago a combination had been formed at Birmingham, for raising the price of arms, and forcing, as it were, the Board of Ordnance to submit to such terms as the combination should think proper to impose. The noble lord, then at the head of the Ordnance, laudably resolved to break the combination; and to this end, contracted for 5,000 stands of arms in Holland, at a less price than was usually paid in England for English arms; but of the reduced price of the Dutch arms he made no merit, because they were inferior in quality to English arms. Nothing but downright necessity could have justified the noble lord in sending to Holland for arms; but there was an absolute necessity for him so to do: for when he sent thither, there were only 20,000 stand in the Tower; and the manufacturers at Birmingham refused to supply the Board, except at such extravagant prices, as it would have been madness in the Board to comply with. So circumstanced, the noble lord made a contract for 5,000 stand of Dutch arms; and this contract produced the desired



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effect, for it broke the combination at home: the people of Birmingham, finding that the Board had ample resources in Holland, lowered their demands, and agreed to furnish any quantity of arms at reasonable prices. The person with whom the Board had contracted in Holland, made double the number of stands contracted for; this he did on speculation, presuming on the continuance of the combination, and supposing, of course, that he should find a market for them: but here he was mistaken, for the combination being no more, the necessity, which alone could justify the application to Holland, no longer existed; the people at Birmingham were at work for the Board; and therefore the noble lord then at the head of it, having taken the 5,000 stand for which he had contracted, refused to take any more; the contractor, thus disappointed of his expected market, pressed the noble lord to take the remaining 5,000 stand, at a still less price than he was to get for those which he had delivered on contract: in a word, having no other vent for them, he repeatedly offered them to the noble lord, and would have taken almost any thing for them, sooner than have them left on his hands; but the noble lord constantly refused to purchase them; first, because they were of an inferior quality; and secondly, because he had no occasion for them, having contracted for as many stands, then in hand, as would with the numbers in the Tower, make up 80,000. After the noble lord had quitted his situation at the Board, this same contractor applied to the noble duke, and offered his arms at one guinea per stand; his grace was pleased to close with his proposal, and now made a merit of having purchased, at a very cheap rate, 5,000 stand of arms, which his noble predecessor would not purchase on any account whatever, or he might have had them on his own terms.—The brass works for muskets were reduced from 1*s.* 2*d.* to 1*s.* 0½*d.* per pound. This reduction was very natural; for the peace had lowered the price of brass so much, that the reduction was not greater than ought to have been expected.—The wheel-barrows, and hand-barrows, the first, he believed, that had ever been wheeled or handed into that House, were to be furnished on the new contract cheaper than on the former; but it would depend on the nature of the wood of which they were to be made, as in the case of the powder barrels, whether this would be a saving or a loss to the nation. But in the statement of the salt-petre contract, he discovered something so unpardonably unfair, that as he knew the noble duke was incapable of a wish to mislead, he must take it for granted, he had been deceived and imposed on. The report stated that salt-petre had been reduced from 115*l.* to 72*l.* 7*s.* per ton. That is to say, that to the highest price ever given by the late Board of Ordnance on an extraordinary occasion, was opposed the lowest price that had been given by the noble duke: if this was a fair and candid statement, he would confess that he knew not what candour and fairness meant. He said it was unnecessary to call back to the memory of the House, the transaction of last year, relative to Mr. Townson's contract: it was very well known with what zeal the noble lord, then at the head of the Ordnance, had resisted that contract; and that he did not rest satisfied, till the contract was cancelled, which Mr. Townson, indeed, of his own accord, very handsomely offered to do; the salt-petre, however, was necessary at the time; and it was purchased from that gentleman, who agreed to produce the original bills of lading, and to take 10 per cent. profit for his trouble and risk. Another person had agreed to furnish the Board with 430 tons of salt-petre, but after 100 tons had been delivered in, it was found that the price was considerably above the market price; and therefore the Board paid for the quantity delivered, and would on no account take the remainder. But, surely, it was not from such circumstances as these, that it should be stated in a report to the House of Commons, that the price of salt-petre had been reduced from 115*l.* to 72*l.* 7*s.* per ton. What was become of the price paid by charter to the East India Company for 500 tons, to be furnished for 53*l.* in war time? If the noble duke had struck an average of four years back, he would have found it to be 81*l.*; if for seven years, it would sink the average price to 66*l.*; and consequently it would appear, that the average price paid by the last master-general of the Ordnance, during seven years of war, was 6*l.* less than in the noble duke's peace contract. At all events, he hoped the House would see what little ground there was for the statement contained in the report.

As for the three last articles of the report, relative to shells, he would say that

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the peace was one cause why the price in the new contract was lower than in the old; and another was, that old shells were to be taken by the contractors in payment of one-half of their demand. From these observations, which he had taken the liberty to make to the House, he hoped gentlemen would see, what very little foundation there was for the assertion contained in the report, that, for the last three years, it was possible that 95,000*l.* might have been saved annually in the ordnance department: an enormous deduction must be made out of that sum, for the extra estimate on salt-petre, which was stated at 115*l.* per ton, the price which had been given for only about 500 tons; which price being reduced to 81*l.* or 66*l.* as he said before, there would be a very large deduction, indeed, to be made out of the gross sum of 95,000*l.* as, in order to make out that sum, it was necessary to charge a vast number of tons, at 115*l.* instead of 66*l.* or at most at 81*l.* The same principle of deduction must be observed in all the other articles; and then the House would find that the dark charge, obliquely conveyed by the report, against the last master-general of the Ordnance, of having wantonly spent, for the last three years, 95,000*l.* of the public money, which he might have saved, without cramping the service, would vanish in smoke.

Mr. *Pelham* said, there was no censure whatever intended against the late master of the Ordnance, by the manner in which the estimates were stated. If they were contrasted with those which had preceded them, it was merely by way of accounting for what the noble duke had done during the time he had been in office. He wished no reflection whatever; but in order to prove to the public that he served them to the best of his ability, it was necessary to draw a line between his conduct and that of the noble lord whom he succeeded. He now went through some of the articles, which he endeavoured to make appear to be of as great advantage as stated. In particular, he mentioned the powder barrels, which, he contended, were made of very proper wood for the purpose, as flour was in general kept in barrels of that kind of wood, and yet was never damaged by it, nor did he see any reason why powder should. He admitted that the late Board of Ordnance could not get rid of the contract for horses.—In answer to what had been said of the sand-bags, he admitted, that the half-bushel were dearer in proportion than the bushel bags; but, he said, that the reduction really amounted in the bushel bags, to 1½*d.* and in the half-bushel bags, the rise was only about two-thirds of a half-penny. With regard to the shells, he said, Mr. Courtenay was mistaken in the idea of those lately contracted for, being to be paid for, half in old metal, and half by bills in the customary mode. The fact was this: a great quantity of old metal lay about Woolwich warren, and it was thought proper to get rid of it; contracts, therefore, were publicly advertised accordingly. Among others who offered conditions, the Carron Company sent in two contracts; one for the casting of shells, to be paid for entirely and independently of the old metal; the other to be paid for half in metal, half otherwise; but the contract referred to in the table, was the former, which had nothing to do with the old metal.

Mr. *Steele* said, the noble duke, whose name was subscribed to the report, had not the most distant intention of suggesting a censure on his noble predecessor in office, or on the conduct of the Board, at which that noble lord presided; but, having made an estimate extremely different from those usually presented to the House heretofore, the noble duke had thought it his duty to submit the grounds of his deviation from the plan of former estimates to the House; and in so doing, it had been necessary to state several of the articles in a table, with the prices they were now contracted for, and those formerly paid, in order to shew the quantum of the saving made for the public. Hence, wheel-barrows and sand-bags, which certainly were not articles usually introduced to the notice of that House, were thought worth mentioning, because, though the saving upon each was but a mere trifle, yet, the general saving amounted in the year to many thousands.

Mr. *Adam* went largely into the defence of the late Board of Ordnance. He argued particularly on the debt of that department. The noble duke's report stated, that the ordnance debt, at the end of the last war, was no more than 595,423*l.* 2*s.* 5*d.* and that at the end of this war it amounted to no less than 1,724,503*l.* 11*s.* 1*d.* Now, in order to understand this matter more clearly, the House ought not, with the noble duke, to compare one debt with another, without making a reference, at the same time, to the gross sums expended in each of these two wars,

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by the Board of Ordnance. The gross expense of the Ordnance in the war ending in 1762, amounted to 3,000,000*l.*; the gross expense of the same board for the war ending in 1783, amounted to very near 10,000,000*l.*; so that a debt of 1,725,503*l.* 11*s.* 1*d.* was very little greater, in proportion to 10,000,000*l.* than a debt of 595,423*l.* 2*s.* 5*d.* was to 3,000,000*l.* It was to be remarked, also, that the hiring and paying of transports, which formerly, and even for two or three years of this last war, had been done by the navy board, had, during the remainder of the war, been thrown upon the Ordnance Board, and accounted for the size of its debt.—He then commented on Mr. Pelham's speech, and stated, that he had not answered all the observations of Mr. Courtenay upon the respective articles of the table. With regard to the beech barrels in particular, the hon. gentleman had acknowledged the fact stated by the hon. gentleman near him, and had not said a word in reply to what had been urged respecting the difference of the price between beech and oak staves. That remark, therefore, and all the others not answered, it was fair to suppose, were undeniably grounded. The note annexed to the table, certainly conveyed a censure upon the late Board of Ordnance, as far as depended upon the ordinary construction of the wording it; but, as it had been declared that there was no intention in the noble duke to suggest any such censure, certainly, all the argument that had been rested on that idea was done away.—With respect to the mode of making out the present estimate, he thought the noble duke entitled to great praise for the diligence and ability with which he had prepared it; and he was somewhat flattered to find it built on an opinion correspondent with that he had mentioned when the ordnance estimate was last year under consideration, and which had, more than once, very lately been emphatically delivered by an authority that he long had, and ever should highly respect, viz. that as much as possible of the public expenditure ought to be put into estimates, and as little as possible left to extraordinaries. At the same time, he saw no reason why the new mode was to be considered as a reflection on the former Board of Ordnance any more than on any other office, whose estimates, from the commencement of the constitution, had been laid before that House in the way that the ordnance estimate of last year, and the year before, and for many years before that, had been prepared. The estimates for the navy service (the most favoured of any) had uniformly been drawn up in the old way; and the Ordnance had evidently copied the Admiralty in their manner. With regard to the quantum of unfunded debt, that also had been unavoidably incident to the former practice of the two Boards in making up their accounts, and it was to be recollected, that the unfunded debt of the Navy and Ordnance would naturally increase in proportion to the increase of the public expenditure for each service. Mr. Adam argued, that though merit was due to the noble duke at the head of the Ordnance, for having taken so much pains to prepare the estimate in a new and more satisfactory form than had been heretofore the practice; and though the noble duke deserved praise for his endeavours to make contracts for the public on cheaper terms than formerly, yet the different circumstances under which the former contracts had been made, and other matters taken into the consideration, there was no ground whatever for saying, that the last Board of Ordnance had been remiss in the duty they owed to the public.

General *Conway* thought the whole of the debate disorderly; for the question was, that the Speaker do leave the chair, and not one syllable had been urged against it. If those gentlemen who had any share in the direction of the last Board of Ordnance, wished to defend themselves and their friends, he did not blame them for so doing; but he could not help saying that there was no occasion for defence where there was no accusation; and he professed he could not see an iota of charge upon the last Board in the present estimate. Having altered the mode of preparing the ordnance estimate, and reduced the articles much nearer to correctness than ever was known to be the case in any former estimates, it was a matter of course for his noble relation to be desirous of shewing the superiority of his own mode of preparing the estimates and making contracts; and it was impossible for him to do that effectually, without stating a comparison between the new and the old mode; but that surely did not necessarily imply a censure of his predecessors in office. To say, for instance, that in the new contract for horses the price was reduced from 1*s.* 9*d.* to 1*s.* and ¾*d.*

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per day, was surely a very fair and a very true comparison; but it did not follow, that the last Board were to blame for the former contract made at another time, and under other circumstances. With regard to the salt-petre likewise, it was well known that a contract had been made for that article at so high a price last year, that the noble lord, then at the head of the Ordnance, put a stop to it of himself, and gained considerable credit by so doing. There could be no idea, therefore, of throwing any stigma on the former Board by the comparison with respect to that article. Indeed, it must be acknowledged, that the noble duke had, with great industry, great ability, and with effect, produced a reform in the mode of doing the business of the Ordnance Board. Why, then, should that good work be depreciated by attributing any unworthy motives to the noble author of the report upon the table? The noble duke, he was persuaded, would disdain raising his own merit in the eyes of his country, by an attempt to accuse others with conduct less laudable. The whole conversation, the general contended, had been irregular and disorderly; and, as was generally the case with all disorderly proceedings in that House, much had been said, in the course of the conversation, that ought not to have been said, before the House were in the committee.

Lord *North* justified the hon. gentlemen for having gone into a defence of their conduct; but as it was now understood that no blame was intended, and that there were many mistakes in the report, he did not see the necessity of their proceeding in their defence, as every shadow of a charge was done away. A few words were spoken on the point of order between lord North and general Conway.

The *Speaker* said, it appeared to him that the House had not been in order, in speaking upon the subject of the report in the manner they had done; for that no matter introduced into a debate which the question before the House could decide upon, was regularly debateable. His idea was, that, to have conformed to order, the House should have referred the report, together with the estimate, to the committee; and if any question had been proposed upon the report, by the committee, that question might have been agitated afterwards. This, he conceived, to be the strict rule of order, and, till the House instructed him otherwise, he should continue to entertain that opinion.

Sir *Grey Cooper* said, that it was not possible to adapt the present case to any known order of proceeding, because the report accompanying the estimate, made the case a new one. The report, however, it was to be remembered, had not been called for by the House; it was, to all intents and purposes, gratuitous on the part of the noble duke; and, therefore, being a new matter introduced into the House, it was impossible to treat it otherwise than in a new manner. In his opinion, the House had taken the only fit opportunity of discussing it. Indeed, it would have been impossible to have spoken to it with so much propriety at any other time.

Mr. *Hussey* wondered how the noble lord in the blue ribbon could say that every shadow of blame was done away from the last Board of Ordnance. The salt-petre contract was a sufficient source of blame. He asked if the noble lord had forgot that they had given 115*l.* a ton for salt-petre? He asked also if the contract with Mr. Townson was forgot, for salt-petre at 120*l.* a ton, when the East India Company had their warehouses full, and would have sold it at little more than half the money? That contract, though not fulfilled, had been made; and if it had not been taken notice of in that House, the 19,000*l.* that had been saved for the public, would have been thrown away.

Mr. *Fitzherbert* felt it necessary for him to say a few words on the subject of the report, which glanced a censure at a contract which he had held for supplying the artillery with horses. Three successive contracts, he said, had been made, each for seven years, between the Board of Ordnance, and a Mr. Warrington, of the Borough, at 1*s.* 9*d.* per day, for each horse; these three contracts had been made by lord Granby, lieut.-general Conway, and lord Townshend, and all on the same terms. Some time after the last contract of the three had been made, Mr. Warrington died; and his widow, unable to perform the conditions of the contract, applied to the Board to be relieved from it: the answer given to her was, "that the Board could not think of granting her request, unless she should find a person who would undertake to perform the contract in her stead:" upon this, she applied to him (Mr. Fitzherbert), and he consented to bind himself to the performance

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of the engagements of the contract. But when he afterwards found that he must, at ten days notice, have 1673 horses ready to take the field, and that they might be discharged in fifteen days, he repented of what he had done, and earnestly entreated the Board to release him from his engagements; but he was told that the contract was too advantageous to the public to be given up; and that he must perform it, or forfeit the penalty of the bond. He did not like to pay away 3000*l.* for nothing, and therefore resolved, if possible, to get the horses; he succeeded; but so far was he from thinking that he had gained a great point, in getting the contract, that he assured the House he lost every week 30*l.* on the wages of the drivers, for whom he received 8*s.* a week from the Board, but whom he constantly paid 9*s.* So that when the House should have considered the short space of time he had to provide near 1700 horses, the short time that there might have been occasion for them, the loss that might have been sustained in selling so great a number of horses, as well as the high price to be paid for them, in order to procure them speedily, and that 30*l.* were lost by him every week for drivers, they would not think that 1*s.* 9*d.* for each horse, was a very high price. The noble duke had advertised the contract for horses a few days before his contract expired; the proposals were to made on the 2d of October last, and his contract expired the 10th; so that that there were only eight days for the new contractors to procure near 1700 horses: upon trial, they were unable to perform their contract; they had no money to purchase any, or security to give the Board: in that situation, there would not have been a horse, for artillery service, in the kingdom, if the persons with whom he had engagements, had not consented to let their horses stay a few days longer in camp: this was a critical moment indeed, for this country, when lord Howe was off Cape Finisterre, and an invasion was every moment to be apprehended: if such an event had taken place, the people of England would have seen the whole train of artillery of the kingdom dispersed through the different counties of the kingdom, without an artillery-horse, in the pay of government, to draw a single piece of it: this would have been a moment indeed, when economy might not have met with a very loud approbation from the people.—In the course of this recital Mr. Fitzherbert corroborated what Mr. Courtenay had said, of the Board having been applied to by the persons engaged to assist him with an offer to serve the public cheaper; and of the Attorney and Solicitor General having given their opinion, that the contract could not be annulled. He also stated the various inconveniences of the contract, when so many horses were to be provided under circumstances so disadvantageous; and declared that he had, at different times, lost considerably by the great expense of servants, &c. while he held it. The persons that took the contract after him, and upon the noble duke's advertising, he said, were Messrs. Baldwin and Drummond; who, when they went to purchase horses, had no money to pay for them, and were unable to fulfil the terms of the contract, on which account, it had been put into other hands. He gave a succinct and clear detail of the first contract at 1*s.* 9*d.* from the year 1757, to the expiration of that he held, and shewed that it had been, by no means, so lucrative as the public had been given to imagine; but that, on the contrary, it had been attended with great inconvenience and risk.

The question, that the Speaker do leave the chair, was carried, and the House resolved itself into a Committee of Supply.

March 11. The report of the said Committee being brought up

Mr. *Rosewarne* objected to the estimates: he said, that the ground on which he had heard the peace defended, was, that our finances were in a ruined state; from this information, one would naturally have expected a great reduction of the military establishments; but, instead of this, a very small, if any reduction, was to take place, as he had understood from the commander in chief, who had said, on a former day, that the country was in so very whimsical a situation, that he could not disarm to a great extent. He could not assent to this: the ministry might be in a whimsical situation, but the country was not. The estimates for completing the fortifications of Plymouth, amounted to between 4 and 500,000*l.*; it would, therefore, take near ten years to complete them at the rate of 50,000*l.* a year, the sum mentioned in the estimate; but if the country was in a whimsical situation—if there was no certainty that the peace would last ten years, and if additional

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works were necessary for the security of the dock-yards, why should not every effort be used to complete them in a couple of years? He concluded with saying, that the report ought to be recommitted.

Sir *Cecil Wray* compared the estimates for the ordinary of the ordnance for 1763, with those of the present year, which he found surpassed the former in the sum of 112,000*l.* The number of troops belonging to the artillery was to be double in this year of peace to what it was in 1763; and this was the more surprising, as we now had fewer dominions to defend. He complained of the enormous expense of Gibraltar, and wished it had been given to the enemy in exchange for some other possession. He liked the ordnance service better than any other belonging to the army; but before he could consent to vote for the present report, he wished to know what the army establishment was to be, for which so large an ordnance estimate was necessary. He could not but repeat his wish, that Gibraltar, which, in time of peace, was to cost us so much annually, was bartered away for a good price; and thought the sooner a negociation for that purpose was set on foot the better. He was persuaded, that our keeping it would only lead to a future war, and that, when economy was necessary, it would be a good beginning of savings, to save the country the expense the keeping Gibraltar annually cost the nation.

Mr. *G. Onslow* greatly regretted that Gibraltar had not been exchanged; for it was idle to expect, that, in every future war, the Spaniards would employ 40,000 men, in endeavouring to reduce it. They had lately received a lesson, which they would never forget, as England had written in most bloody and legible characters on the walls of Gibraltar, "Steel traps for Spaniards." In the estimates before the House, there was an immense sum for works to be done at Gibraltar; but this appeared to him absurd, for he was convinced that no new works would be erected there, because none were necessary; and it was very well known that there were so many there already, that if our garrison was withdrawn to-morrow, the Spaniards could not rightly get into the place, over the various works, in less than three days. Having stated this, the colonel renewed the argument, that Gibraltar was not worth our keeping. He informed the House of a variety of circumstances relative to it, in order to prove his position. He mentioned, that sir Charles Saunders and his squadron had like to have perished there. He also mentioned that admiral Hawke had been obliged to send part of his fleet to water on the coast of Africa. He stated the expense it cost us in time of war and in time of peace, and asserted, that the minor naval powers, Denmark, Sweden and Holland, had, at all times, a larger share of the Mediterranean trade than we had. The Americans also, since we had granted the fisheries, would now come into the Mediterranean, and rival us in that important branch of our trade there. He mentioned, likewise, what had happened relative to the St. Michael, the Spanish ship lately taken at Gibraltar; and urged an infinite number of considerations to prove that Gibraltar was an eternal source of expense to this country, and of little advantage to it. With regard to the estimates, he remembered the time when the minister held himself responsible for the whole of the public expenditure; and from a due attention to the state of our finances, provided for every department accordingly. This was the custom in the days of Mr. Pelham, the duke of Newcastle, and other great ministers; whereas now, the head of each office considered himself as a minister, and asked for just as much for his department as he thought proper. He should be happy to see the good old times return, and the old custom revived.

Mr. *Steele* accounted for the difference between the estimates of this year, and those of 1763, by saying, that Nova Scotia lying now at the door of what might be called an enemy's country, forts and fortifications which were not necessary in 1763, were become necessary from a change of circumstances. As to the lands on which fortifications were to be erected at Plymouth, the estimate included every thing, the purchase money, as well as the expense of building the works. With regard to the ordinary of the ordnance in the present estimate, which had been stated by one gentleman to be double what it was the preceding year, the hon. gentleman was mistaken. Formerly one article of it was uniformly for many years charged the same sum of 36,092*l.* 7*s.* 6*d.* and the exceedings afterwards amounted to a great deal more; so that the estimate gave the House no correct information of what that article of the ordinary really cost; whereas the present estimate stated the whole and real cost of the ordinary.

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Mr. *Burke* said, he did not rise by any means to object to the estimates; but the House would recollect he had formerly suggested the propriety of abolishing the office of ordnance, and establishing a new mode of transacting the business, and therefore, although he had not, to his shame be it spoken, examined the estimates with any very great attention, yet, from what he knew of the nature of the office, and from what he had learned from all that had been said upon the subject, both then and the preceding day, he conceived he pretty clearly understood the jet of the argument. It had been generally agreed by the gentlemen opposite to him, that although great praise was due to the duke of Richmond, for having reformed the office, and introduced a new mode of stating the estimates, there was no intention, by the present report, to cast the least reflection on the conduct of the noble duke's predecessor in office, lord Townsend; whose abilities qualified him to fill any public situation with as much dignity, as his many private virtues endeared him to all his acquaintance, and gained him general love and esteem. Mr. Burke declared, if there was a man in the kingdom particularly calculated to root out a bad system of official conduct, and to introduce a new and more useful plan of proceeding, it was the duke of Richmond, whose natural industry, whose disdain of inglorious ease, and whose zealous attachment to the principles of public economy, distinguished his character in an eminent degree. Without, therefore, the smallest imputation on the late master-general of the ordnance, it was fair and warrantable to bestow those encomiums on the present, that were so justly his due. Mr. Burke took notice of what had fallen from sir Cecil Wray respecting Gibraltar, and declared, he earnestly wished that important fortress might not be negociated for on any account whatever. He next adverted to the fortifications now building at Plymouth, and said, he wished not to see the spirit of fortification on shore prevail so much. It was not a symptom that tended much to the credit of our national strength; he should be glad when the time returned of expending little or nothing on any other fortifications than the true bulwarks of the country, the navy of Great Britain. Having a thorough confidence in the present master-general of the ordnance, he should vote for the report being read a second time.

The report was read a second time, and agreed to.

*Debate in the Commons on the American Intercourse Bill.*] The order of the day being read for going into a Committee on the Bill for the provisional establishment and regulation of trade and intercourse between the subjects of Great Britain and those of the United States of North America,

Mr. *D. Hartley* rose, and reminded the House, that it was five weeks since he had made a motion for leave to bring in a Bill to repeal the Prohibitory Acts, and open an intercourse with America. The Bill that had been brought in, he contended, was wholly inadequate to its avowed object, and would lead to infinite mischief and inconvenience. He lamented that the matter had not been provided for, by an article in the provisional treaty. Ministers had had eight months time to have done what was necessary, and to have saved the country from the difficulty in which she stood at this moment, in respect to her future trade with America. He reasoned, for a considerable time, on the subject, and produced the heads of a treaty, calculated to lead to the establishment of such commercial regulations, between Great Britain and the United States, as should answer the ends of each. After reading the treaty, and reasoning upon the several articles of it, he concluded with moving, "that the Speaker do now leave the chair."

Captain *John Luttrell* confessed himself desirous of repeating the political opinion he retained, that the Speaker ought not to leave the chair. He said, the right hon. mover of the Bill had confessed, in the last debate, that he had but a small share of commercial knowledge, and that he despaired of the ability of framing it, fit to pass into a law, without great improvement indeed; did he believe that it could now be so improved in the committee, as to be tolerably safe for this country to venture to pass it as an experimental law? He hoped, it would not be thought an improper question, after that right hon. member had desired him to be aware, that in the proper sense of the word responsibility, no minister, in the most complete and settled administration, was responsible for the effect of an act of parliament; that when a Bill was introduced, it came for adoption, or amendment, to parliament, who was fully to ex-

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ercise its wisdom and judgment upon it; and therefore he would be full as responsible for its effects as any of his Majesty's ministers; for, if the Bill once passed into a law, the legislature, and not ministers, would be answerable for it: to this explanation, the House in general seemed to shew a satisfaction, and to accept it as valid, the right hon. member only excepted, and he, in some measure, dissented from that opinion. He was glad to be now awakened to the true sense of parliamentary responsibility; for, to be sure, he must have dreamed of one set of ministers and men being censured for a Tea Act, another for an Explanatory Act, a third by Prohibitory Bills, and by Bills to confiscate the property of the Americans, that he heard of threatened impeachments, and legislative reprehension. Nay, his fancy had gone so far as to believe that a noble lord in a blue ribbon, who was a minister, had been severely censured, by many members, for the Acts which produced the American war, and brought this country into its present humiliating state. Such, he owned, was never his opinion, because the war commenced with a majority in that House in its favour, bearing a proportion of about 200 to 40: of the smaller number, he always made one; and was glad, at last, to find it admitted, that the responsibility for the effect of every act of parliament (and none could be of more consequence than that before them, which might reach the vitals of commerce, to which we stood indebted for the sinews of war, and for the comforts of peace), was in the legislature of the country, and not in ministers. This was a record he would preserve for life; he hoped it would be written in the memory of the right hon. mover, and of the great majority of the House who had subscribed to it. Some time ago it would have been invaluable; it might still prove of much worth: he would respect it as his political creed as long as he had life, and, treading in its path, he would not give the responsibility of his vote to any measure he had not well considered, or that he did not approve. Of the latter description, he confessed the present Bill to be, which, to say the best of it, was big with such infinite hazard, as nothing but a necessity, which did not appear to him to exist, could justify.

Mr. *Eden* said, that, upon the whole, he wished to go into the committee, with a view nevertheless to make great alterations in the Bill. His idea of those alterations would best appear from his stating what the Bill ought to be. He continued then to think, that the wisest and best mode, under all the public circumstances, would be to open the intercourse, and to vest a discretionary power in the privy council as to temporary regulations of the trade for a limited time, or until a treaty should be formed. If, however, that plan should be wished to be more completed in parliament, he would propose a Bill to the following effect: 1. To establish the independence of the colonies. 2. To repeal the Acts which prohibit intercourse. 3. To subject all imports in American ships to the same duties and regulations as are prescribed by law, in regard to the imports of European nations. 4. To pursue a similar principle as to exports. This plan would have the good effects of making no convulsion in the commercial system at present settled between Great Britain and Ireland; it would give no offence to foreign states; it would not repeal important Acts, or make alterations, the end of which no man can foresee. Inconveniencies it might have; but they would be the mere inevitable consequences of the American independence. Every hour's reflection convinced him of the prudence of risking as little as possible in the Bill to be framed. It was a great consideration involving every question of law, policy, and commerce; neither the mind of an individual, nor the united wisdom of parliament, was able to embrace interests so vast and so complicated. His right hon. friend (Mr. Burke) had, in a former debate, talked upon the subject with cheerfulness and confidence; but the speech of that night amounted to saying, "Who's afraid?" He was ready to confess himself extremely afraid; his ignorance might be the cause of his fear; such information as the right hon. gentleman possessed, certainly gave a right to confidence.—He said, that to a Bill of the kind he had described, he would wish to add a clause to repeal the section of Mr. Grenville's Act, which left the American exports still subject to a 5 per cent. duty; that clause was become extremely impolitic, and could only operate as a bounty for the discouragement of our own manufactures. He also wished for a clause to repeal the alien duties; they were originally founded in a false and narrow principle; at present, they were great inducements to perjury; they were also a great embarrassment in all the



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custom-house calculations; and, with all these objections, produced only 8,000*l.* a year. He thought their repeal would forward a great object which he had long had at heart, the consolidating and simplifying the customs; and that object being in forwardness, he should more readily consent to Mr. Pitt's proposed Bill for abolishing the small fees of the officers, as the assistance of those officers would then become less essential to the merchants.—As to the supply of the West-India islands, when he considered how well they had been supplied during the late war, and the immense shipping at present of these kingdoms, he was under little alarm; but still he could see no objection to the opening to the United States certain free ports at Jamaica, Dominica, and other places, under proper restrictions; and he took the occasion to remind the House, that the act respecting the Dominica free ports had inadvertently expired.

The *Lord Advocate* read a Bill that he had sketched out, and which he thought would answer the end that gentlemen had in view: but he thought that it would be impossible to prevent the Americans from becoming the carriers of the West-India trade, unless we should totally prohibit all intercourse between the islands and the continent; a step that no one would wish to take. An American would not send his ship with lumber to the West-Indies, if he should be obliged to bring her back in ballast; and if he was to be permitted to load her with the produce of our islands, he might send her of course to any part of Europe. A great deal of the objection taken to the Bill appeared to him to be totally founded in those terrors and fears that seemed in a most unaccountable way to have taken possession of almost every gentleman who had spoken on the subject, least the Americans should share with us in our carrying trade. He saw not that matter in the same light, and yet he was ready to admit that the Americans would have an intercourse with the West-India islands; nay, that on account of the commercial necessities, and even the food of the inhabitants of those islands, it would be impossible to prevent it. If such an intercourse was not freely allowed, an intercourse of a smuggling nature would undoubtedly be resorted to. Laying it down, therefore, as a position not to be doubted, that the Americans would have an intercourse with the West-India islands, his lordship proceeded to reason upon it, and contended, that though the Americans necessarily would participate in the carrying trade, nevertheless they would not do so to any degree that ought to alarm this country. In order to shew that the Americans must take back the produce and commodities of the West-India islands in return for the lumber, and other articles carried by them to the West-Indies, he asked if it was reasonable to suppose that their ships should return home in ballast? And as an argument, that we ought to allow a free intercourse, he stated, that if we did not, the Americans necessarily would deal with the French in their islands; a matter which it was certainly worth our while to prevent. As a proof that there was no ground for the fear of their injuring us in the carrying trade, he appealed to past experience, and referred gentlemen to a consideration of what share the Americans had of the carrying trade before the war. He admitted, that inconveniences would arise from the intercourse of the Americans and the West-Indies, but he contended that those inconveniences were the unavoidable consequences of the new situation of the United States, and were not imputable to any possible operation of the present Bill. Among these inconveniences, not the least would be the injury done our merchants in the article of ship-building, as the Americans could certainly build ships much cheaper than we could. Yet the merchants in general were desirous of having the Bill passed. He said further, that he had conversed upon the subject with many respectable merchants of Glasgow, who all of them admitted that certain inconveniences would arise, but that nevertheless they highly approved of the Bill, and thought the House would be mad if they did not pass it immediately. After urging this very pointedly, his lordship said, since different gentlemen had employed themselves in manufacturing Bills adapted to the present exigency, he would produce a piece of his manufacture. He meant to preserve the preamble of the present Bill entire as it stood; and the other alteration he should make, would be to propose to leave out six clauses, and to insert one in the room of them. He then explained to the House the reasons on which he had been induced to adopt such an idea. In the first place, he wished, above all things, to leave out every word that tended to remind the Americans that they were independent. He had no desire to consider

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them other than as British subjects, further than acknowledging them independent states; and, therefore, he would not suffer a syllable to remain in the Bill, that tended to suggest to the Americans that they were aliens. This he supported on grounds of mutual policy. He afterwards read his new clause; and having expatiated considerably on the beneficial tendency of it, he urged the propriety of going into a committee upon the Bill; and once more advised the House to throw aside those fears about the carrying trade, which, in his opinion, had so unnecessarily taken possession of their minds.

Sir *Robert Herries* said, he disliked the Bill, though it would greatly promote his own fortune, and that of some other individuals. He had had a house at Barcelona for thirty years, and another at Ostend; and by means of these houses, and this Bill, he might make an immense fortune; but as a member of that House, and a good citizen, he must condemn a Bill, which, while it would increase his fortune, would be injurious to the country. He did not see the necessity of throwing the carrying trade into the hands of the Americans, unless all our own ships were lost; for as we were to have liberty to trade to the American ports, we could there sell our ships' cargoes, take in lumber for the West-Indies, and afterwards bring home the produce of the islands. It might be said, indeed, that the Americans might refuse to sell us lumber; but such a refusal he would deem a breach of the treaty of peace, which allows the ships of Great-Britain to trade to the American ports; but he was so little afraid of any such refusal, that he would pledge himself to find persons who would contract to supply our islands with as much lumber as they could possibly have occasion for: that the intercourse between the colonies and the islands, was not necessary to the latter, appeared clearly from this circumstance, that during the war the latter had been supplied with lumber, and all other necessaries, entirely by British ships. He complimented Mr. Eden, and highly approved of the plan that gentleman had proposed; and particularly of his proposition with respect to the opening of certain free ports in the West-India islands. Such a Bill would answer every end of necessary regulation, and would guard against the dangerous consequence that he was convinced would attend the passing of the present Bill.

After some further conversation, the House went into the committee.

*Debate in the Commons on the East-India Company's Affairs.*] March 12. Sir *Henry Fletcher* brought up the report of the committee, to whom the East-India Company's petition had been referred, which having been read a first and second time, sir Henry said, he should have moved to have it referred to a committee of the whole House the first open day; but there being no settled administration, he knew no other step at all adviseable for him to take at present, but to move that the report do lay on the table. At the same time, he thought it necessary to state, that if the report was not taken into consideration, and some resolution come to upon it, before the 1st of April, the whole circulation of the Company, amounting to the sum of between 3 and 400,000*l.* would be stopped; a circumstance that could not fail to produce consequences of the most serious nature in the city of London; and, therefore, he trusted it would be a circumstance, the fatality of which, the wisdom of that House would avert. Should an administration be settled shortly, which he much wished, he hoped that whoever should be minister, would, in a few days at farthest, take up the report, and submit it to the consideration of the House.

General *Smith* said, his hon. friend had so fully stated the situation of the East-India Company, that he had not only verified the observation he had made some time ago, that the subject would force itself on the attention of the House, whether they were willing to attend to it or not, but left him nothing scarcely to add to enforce the necessity of taking the report into consideration in a very few days. If some resolution was not forthwith come to, the East-India Company would be reduced to a state of bankruptcy. Not immediately, it was true, but in effect. Had he not therefore heard, since he came down to the House, something like a rumour that an administration would soon be arranged, insignificant as he was, he should himself have moved to refer the report to the consideration of a committee of the whole House.

Mr. *Burke* said, the report certainly claimed their earliest and most serious attention; for that to say the East-India Company was in a state of distress, was neither more nor less than saying the

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country was in a state of distress. Their interests, whether right or wrong, had been so interwoven, that it was utterly impossible to separate or disentangle them. The interest of the Company was the interest of the public: the former being the child of the latter, nursed and cherished in its bosom. It must, therefore, be prevented from starving at all hazards. At the same time, however, great and pressing as the necessities of the Company were, it behoved that House to do something more than barely relieve them. The relief and reformation of the Company must go together. The Company had flown in the face of parliament, and that, not when parliament was making an attack upon the Company's charter, not when parliament was taking any measures hostile to the interests of the Company, but when parliament was radically applying a remedy to the evil that had been one great cause of the Company's disorder, infirmity, and distress. He meant the Company's resisting the opinion, and flying in the face of the proceedings of that House, by obstinately opposing their judgment to that of the Commons of England in parliament assembled, and insisting upon the sole and uninterrupted controul over their servants in India, whose reprehensible conduct had not only endangered the commercial interests of the Company, but put their territorial acquisitions in great danger, and considerably sullied the national character. This conduct in the Company, he thought extremely wrong; and therefore their distress and their unjustifiable proceedings must be taken into consideration together; so that while ample relief of the one was administered, it might be attended with comple correction of the other. His particular application to the state of the Company's affairs for these three years, added to his general observation upon the same subject for near twenty years, enabled him to speak upon it with certainty and confidence. He knew the conduct of the Company required reformation, as much as the particular state of their finances required relief; he trusted, therefore, that both would be considered together, and he was persuaded that it would be as much as all the wisdom, ability, and power of parliament was equal to accomplish.

The report was ordered to lie on the table.

*Debate in the Commons on the Conduct and Management of the Army during the American War* ] March 13. Major-General *Ross* said, he felt the necessity of an apology for having taken up a subject which would certainly have come with greater weight, and more propriety, from several other officers, high in rank and character, members of that House; but as possibly it might have escaped them, he hoped it would not be deemed presumption in him to have brought it forward. He said, he was not present, the day on which he conceived the American corps were put upon the British establishment: that he was entirely ignorant of the nature, or the composition of those corps, and even did not know the names of the officers that commanded them: that there was an annual list of the whole British army, militia, fencible, and provincial regiments, &c. But there was not one of those corps, he then alluded to, in that list; therefore, the tendency of his motion was to procure information to the House, and to himself. He said he could have no doubt of those corps having been formed with wisdom, and from expediency or necessity; nor could he entertain any doubt of their being put on the establishment, from principles of justice and of humanity: and as to the loyal Americans, no man thought better of them than he did, or would more heartily concur in every measure of compensation to them, as far as might be consistent with the present circumstances of this exhausted kingdom.

He then said that nothing more occurred to him on the immediate motion: but if he might, he would call the attention of the House to an object that appeared to him of the greatest importance. He meant the conduct and management of the Army at large, from the beginning of the late unfortunate war. He believed it would be allowed, that every thing in an army depended upon good order, regularity and justice; without which, an army, instead of being an advantage, would be the greatest and most dangerous misfortune that could attend any country; and, therefore, if the House should see propriety in, or foresee any advantage from forming a committee of enquiry, in order for such committe to take a good-natured retrospective view, he confessed it would give him great pleasure. And if he might suggest as much, he would say it would be best composed of members of that House, who had served with honour to themselves,

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and with advantage to their country, but who had retired from private considerations, and could be supposed to be only influenced in their enquiry, by a zeal for the good and for the honour of their country. Officers in actual employment might, however unjustly, be liable to the imputation of acting from bias, or partiality. In what he was going to say, he meant nothing disrespectful, nothing injurious, nothing unjust to any one whatever; his purpose was merely to throw out a few ideas as they occurred to him; and he should think himself fortunate if any of them should catch the attention, or merit the approbation of any one member of the House.

In the first place, he said, much depended on the manner of forming and composing troops. He very well remembered, that after the peace of Aix-la-Chapelle, the late duke of Cumberland commanded the army; and during that period, it was conducted in the best manner. Not only good regulations were made, but his royal highness established and kept up strict discipline, and did justice to all ranks, so that old officers of merit were seldom disappointed in their fair and reasonable expectations of promotion. At the beginning of the glorious and successful war that followed, the new levies were formed on the best principles. At first, additional companies were apppointed to all the old regiments, the officers taken from the oldest of each rank, and the non-commissioned officers selected with judgment. When these companies were completed and well regulated, then there were ten new regiments raised and established, and two of those additional companies from the old corps appointed to each of them as a foundation. All those regiments were quickly completed, and were soon brought into excellent order. The next measure, for further encreasing the army, was the adding fifteen additional battalions to the old regiments then in Britain, and which, by a judicious mixture of officers, non-commissioned officers and soldiers, it soon became a matter of dispute and emulation which of the battalions were the best, the old or the new. Then they were disjoined, and the command of the fifteen new regiments was given to the old lieutenant-colonels of the army. But, unfortunately for the army, the duke of Cumberland soon afterwards quitted the command of it; and, although he was succeeded by a great and good officer, the late earl Ligonier, yet, however good his intentions were, his influence was not so considerable. And latterly, towards the end of the war, there were new modes of raising troops adopted at the war-office, where proposals of every kind for the raising of corps were received; at that time the country was much exhausted, from the consumption of men fit for soldiers, so that many of the last contracted-for corps were never complete in number; and some of such as were, were chiefly composed of old men, or mere boys, unfit for the fatigue of service, as was evinced from great numbers of them having died, unable, as he had been well informed, to undergo the winter German campaign; and that therefore, amongst others was one, and he thought a very wise consideration for making the peace of Paris.

To recur to the beginning of the war we had just concluded, one would have thought the new levies would have been conducted according to the model, and agreeably to the example the late duke of Cumberland had established; but quite the contrary; they were conducted in the manner, the vicious manner which had been adopted at the war-office, as has been described at the end of the preceding war. Corps were now indiscriminately contracted for, of every size, of every denomination, without much attention to the old officers of the line, and many of those young corps were certainly very injudiciously sent, unformed, undisciplined, raw, inexperienced, without a sufficient number of seasoned commissioned officers, and few non-commissioned officers of service or experience, to distant unhealthy climates, where the bulk of them soon died, without having been of much service, but whereby the army, in a great measure, like the wealth of the kingdom, became imaginary.

To go a little into the consideration of the late unhapy war, from its commencement, the general said, let me suppose that the minister, whoever he may have been, should, after due consideration, have sent for, not any general now living, though no one respected more highly than he did some great military characters at present in existence, and whose names he could mention with pleasure; but he disliked the thought of appearing capable of flattery. Let him therefore imagine, in the same way of supposition, that there was at the head of the army a Turenne, a

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Monticuculi, (who was his antagonist) or a Marlborough, of the growth of this country, or a marshal Daun, who retrieved the affairs of the empress of Germany. Suppose the minister in consultation with such an officer as any one of these, who, from the greatest abilities and long experience, was taught to look before him, to look behind him, to look to each side of him, before he advanced; and the minister should inform such a commander in chief, that it had been determined to declare, and carry on a war in, and against certain remote provinces, which the crown lawyers had publicly declared had, by certain acts, committed by individuals of those provinces, levied war against the King, and the crown of England; and then enquire of the officer what number of troops might be requisite for such an undertaking. Suppose the commander in chief should say 60,000 men; the minister objects to the greatness of the number, and argues, that they were not to be had. The general perseveres. At length it is agreed upon, and every engine is employed for that purpose; and what could not be found at home were contracted for, and sent for from abroad; so that at length all being set a-going, and the general ready to depart, informs the minister, that from deliberate consideration, he thinks the war may continue four years before the object of it can be thoroughly obtained and secured; and that it will be absolutely necessary that there shall be an annual supply of 20,000 men to make up the deficiencies and losses that must necessarily happen. The minister (we shall suppose) is a little startled; but however, knowing the temper of the general, it is agreed upon. Then, Sir, conjecture, that for four years, from unforeseen accidents, instead of 20,000, as has been stipulated, there had been only sent at the rate of 5000 men, what would the consequence be? At the end of the four years, there would be no army at all remaining, and the war must necessarily be relinquished!

From what he had then said, the general assured the House he did not mean to insinuate the smallest reproach of any one; nor could he even suppose the minister, whoever he was, that gave rise to the American war, had any such motive, as was recorded, of a first minister of Spain, who, when he unexpectedly received the news of a rebellion in Portugal, went and informed the King, and with great address, congratulated his most Catholic Majesty upon the news, assuring him that the duke of Braganza's very large estates would be a handsome forfeiture to the crown of Spain. Now, Sir, said the general, if I should from a late event make any allusion, it would rather be to the history of Candid, which has been written by a very ingenious and great historian of unimpeached veracity, who describes Candid, by some means or other, to have got into a delighful happy kingdom, somewhere in the western world, or in the South Seas, whither he had been accompanied by his friend and preceptor, a very noted philosopher, whose name is well known among the learned, Dr. Pangloss. But, unfortunately for Candid, as the doctor was of a great and extensive genius, and fond of interfering with, and writing new systems of government, he thought he perceived some defects in that of Isle Dorado; particularly, that they might turn to a better account the gold dust and precious stones, which were in that country in great abundance. But alas! the consequence was, being thought dangerous people, they were driven out of that happy country with some marks of disgrace. This circumstance, however, the author has perhaps unwarrantably suppressed. The doctor, notwithstanding, had a good sound maxim and belief, that he had not only preached to his pupils, but constantly practised himself, viz. that every thing in this world was all for the best. The general said, he was really happy to find that Dr. Pangloss's maxims were in such universal esteem, and so much practised in this country; and a very comfortable circumstance it was in times like the present.

The next points he would touch upon were the military brevets, together with the ill consequences and evil tendency of local and temporary rank. It must be recent in the minds of every one, that of late the gazettes had been pretty much filled with high military promotions, and some of them since the preliminaries of peace had been ratified. The multiplying of those brevets became a real injury, and the means of disappointment to many old officers. He had been told that some officers, when they applied for effective commissions, had their brevets objected to, as an argument against their being appointed to vacant commissions, to which they were otherways well entitled. In the duke of Cumberland's time, there was scarcely any such thing as a brevet. He

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questioned if the meaning of the word was then understood by nineteen officers out of twenty. In those times, the colonels commanded their own regiments, and he remembered to have seen the present commander in chief (general Conway) at the head of his own regiment, at the village of Lafelt. At present, the colonels were mostly all of them general officers; not only that, but by local or temporary rank, lieutenant colonels and majors, had been employed as majors or brigadier generals; so that the regiments fell to be commanded by captains. In the garrison of Gibraltar, at the time he left it, in a regiment of which he had formerly the honour to be lieutenant-colonel, and in others, there were no less than five captains, majors by brevet, which made the duty extremely fatiguing and expensive to the few remaining captains, as those that were breveted, by the usage of the service, did no garrison duty, nor mounted guard as captains.

He said farther, that he would remark, upon certain military appointments that had happened in the army. For instance, if an officer was a skilful engineer, it was, in his humble opinion (if he could be spared from that branch) an exceeding good reason for his being appointed a quarter-master general, as that employment, no doubt, required talents. But he must say he could see no good reason why a general, in such circumstances, should likewise be appointed to the command of an old regiment of foot, particularly at a time when there were old officers who had served all their lives in the infantry, and were to that day without regiments; one particularly, an old friend of his, who was at this time a lieutenant-colonel of the 63d regiment (which he purchased at a large price near twenty years ago, and had likewise purchased his preceding commissions) a gentleman whom every one that knows him esteems, and who was captain of grenadiers at the seige of Bellisle, where he was wounded at the head of his company, after having distinguished himself in a signal manner; who had been throughout this war constantly in severe service in North America, and was there now with the rank of major-general, and a worn-down constitution; and, after between thirty and forty years service, was liable to be reduced to half-pay, as a lieutenant-colonel, and would then have the greatest part of that small income to pay for the interest of debt he had contracted by the purchase in the army of commissions. But this brought to his mind another old friend of his, with whom he had the good fortune to serve many years in the same regiment. He meant colonel Barré. That gentleman, he believed, resigned his half-pay of lieutenant-colonel, together with his well-founded pretensions in the army, upon the present quarter-master general having been put over him: it was needless to remind the House, that colonel Barré was wounded at the battle of Quebec, by the side of his friend general Wolfe, and by that wound, he lost the sight of one eye; and now the general declared, he was sorry to understand the colonel had nearly lost the sight of the other. If he could give a better reason for the pension that had been granted to colonel Barré, he would do it. With regard to the adjutant-general, an office of great importance and business, it would be universally allowed, that it was very ably filled by a gentleman to whom the army stood much indebted, and it must give him pleasure to observe, that he had been suitably rewarded with an old regiment and a government: but how he could be spared from the immediate duties of that office in the midst of a war, was not so clear to him—even though for the purpose of being sent to Germany as a negociator or ambassador for the hiring of foreign troops.

But besides those he had already mentioned, he perceived there were other modes of promotion, by means of the printed lists of the army. It had been observed, that there were asterisks applied to the names of some officers; and that, in succeeding editions, in some instances those asterisks, or military embargoes, had been taken off. This, surely, could not arise from want of accuracy in the clerk of the war office, who had the charge of making out and correcting the lists in question. The general next said, he believed there were some officers who were supposed to have retired altogether from the army, who had been brought forward to the very rank they would have been in, if they had continued regularly in it. Upon this, he observed, that as such favours had been granted, he could not help regretting that the like favour had not been extended to one, whom "all that know him know, that love him tell," that he is a good officer, and a most humane and worthy gentleman, whose father, a lieutenant-general, was killed at the battle of Fontenoy. The

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general alluded to the present earl of Loudon. In short, added the general, it would seem as if there was no fixed or regular system of proceeding; and any officer that may fancy himself to be the foremost in any rank, may find himself disappointed, and some one got before him, by that sort of surprise, which it is difficult for any military man to foresee; and he believed it would be allowed, that any situation was respectable and valuable, only in proportion as it was secure.

Having said so much, he feared he might have become tiresome, particularly to such gentlemen as might be unacquainted with military affairs, and wholly ignorant of the nature of brevets: he said, he would therefore endeavour to give something like an adequate idea of it to them, by a comparison with other professions. For instance, as it was known that all archbishops and bishops, as things now stand, have every one his diocese; and prebends have each his prebendary or stall, let gentlemen suppose, that, upon some future time, any one should advise, as a reward of exemplary piety and long known zeal for the cause of morality, to make a brevet promotion, which was bishops without sees, and of golden prebends without a living; that, he thought, might give some adequate idea of the military brevet. And then again, suppose a first minister willing to reward great, useful, and distinguished men in the profession of the law, but there not being a sufficiency of employments, he should propose a brevet promotion of lord chancellors, lord chief justices, and so downward; one would, indeed, be apt to doubt, whether those learned gentlemen, who know full well the nature of a parchment, would think their services thereby adequately rewarded, especially should they have ably concluded one or more campaigns in either House of Parliament, whether by a *coup de langue*, whether by a smart sally, by a regular pitched battle, or by deep, secret and winding saps. Instead of brevet, they might perceive that some of the learned gentlemen could occasionally accommodate themselves to encroachments even upon the navy, and some in the higher House, till better preferment cast up, could shape themselves to employments that were wont in former times to be appropriated to the ancient nobility of the kingdom.

To conclude, he must own he had been, and still was, at a loss, even to guess at the reason of the recent promotion of general officers that appeared in the last gazette, unless it was to bring forward a first lord of the Treasury to a rank whereby he might with great propriety be put at the head of the army, and thereby equal in the extent of power, as he no doubt did in the extent of abilities, a very great statesman of a former age, cardinal Richelieu. He concluded with moving, "That there be laid before this House, a list of all the officers of the lately estabished American corps, specifying the military commissions they respectively held, previous to their having been appointed to those corps; as likewise copies of the stipulation under which those American corps were originally formed."

General *Conway* said, that the services of the five corps, lately put on the British establishment, were such as fairly entitled them to every mark of distinction. One of these, colonel Dalrymple's, had distinguished itself very much in expeditions sent out from Jamaica; but most particularly at the affair of Fort Omoa, where, under the command of their gallant leader, these troops gained the highest reputation. Colonel Duncan's corps had signalized itself greatly at the second battle of Camden, under lord Rawdon. Colonel Fanning's regiment had, during the course of the war, in a variety of actions, performed the most distinguished services; and though it might have been called a provincial corps, yet, in fact, it had acted like a regular regiment, as it had been raised under the stipulation of serving in any quarter, without wishing to confine its operations to any particular place. It was well known with what gallantry and zeal this regiment behaved at Rhode-island, when it was attacked by the Americans; to its conduct, on that and many other trying occasions, governor Tryon, sir Robert Pigot, and sir W. Howe, had borne the most honourable testimony. Colonel Simcoe's corps was almost above his praise: no regiment ever deserved better of the crown; no regular regiment had ever better pretensions to distinction for bravery, zeal, or discipline: let the operations of the army be directed to any quarter, colonel Simcoe was always among the foremost to offer the services of his regiment, on which occasions he was nothing more than the mouth of his men, who never asked whether they were to serve in the north or south, east or

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west, but were always ready to offer their services, and to behave like soldiers, in the best sense of the word. The fifth corps was that of colonel Tarleton: he presumed that it would be totally unnecessary to mention the services of that gallant officer and his British legion; for there was not a corner of Europe to which their fame had not reached; nor was there a service in the world in which it would not have been deemed a disgrace not to bestow a mark of distinction on such men, who, in four different engagements, unassisted by any other corps, had defeated superior numbers; witness the affair with colonel Washington and general Sumpter; their rapid march of 100 miles, from Saturday night to Monday morning, and the overthrow they gave a body of the enemy greatly superior in numbers. Such were the merits of these different corps, and such were the grounds on which he had advised his Majesty to place them on the establishment. That they deserved distinction no man could deny: perhaps some might think that giving them rank was improper; for his part, he thought not; but if the House wished to ground a proceeding on the motion, he would not object to it, but meet enquiry with confidence.—The hon. general had not merely confined himself to the army, but had talked of the church and the long-robe, subjects that he could not presume to touch upon, as they were wholly out of the line of that profession in which he had been bred. If he understood the hon. general rightly, he did not merely wish to see the terms and stipulations upon which the five provincial corps, that were alluded to in the motion, had been originally raised; but that an enquiry should be instituted into the conduct of the army during the whole of the war. He could not take upon him to assert, that during so long a war, and while there was so large an army (near 200,000 men having been employed at one time, on the different services), that there was not some ground for complaint; indeed, it appeared to him an impossible thing that there should not have been cause for complaint on some occasions; if therefore the House thought it right to go into an investigation of the business, he should offer no objection. He was willing to meet such a motion, and to receive the censure that the House, after a serious enquiry into the whole of the object, should think belonged to him. The hon. general had talked of a Turenne, and a Marlborough; he could only say in reply, that such characters were not the growth of every day. At the same time he was persuaded, there were in the service, men of infinite ability and merit; officers who were much better qualified than he had been, to fill the situation in which he had been placed: thus much, however, he could say with confidence, that no men, be they who might, however gifted, and however able, could have fiilled it with more zeal for the public good, with more anxious regard for the interests of the army, nor with more sincere and earnest endeavours to do what was right to the best of their capacity.

After a short debate, the motion was agreed to.

*Debate on Mr. Coke's Motion for an Administration entitled to the Confidence of the People.**] March 18. Mr. T. W. Coke, member for Norfolk, gave notice, that if no administration was formed by Friday next, he would, on that day, move an Address to his Majesty on the subject.

* In consequence of the censure passed on the peace by the resolutions of the House of Commons on the 21st of February, the earl of Shelburne quitted his office of first Commissioner of the Treasury; and the Chancellor of the Exchequer declared publicly in the House, that he only held his place till a successor should be appointed to fill it. A ministerial interregnum ensued, which lasted till the beginning of April; during which time the kingdom remained in a state of great disorder; without any responsible government at home, the finances neglected, the military establishments unreduced, and the negociations with foreign powers, which the critical conjuncture of affairs rendered peculiarly important, entirely at a stand. Various causes were assigned for the extraordinary delay in the appointment of a new administration. Those who wished to shift all blame from the court, alleged, that the chief obstacle arose from the mutual jealousy which still subsisted between the newly-allied parties, and the difficulties they found in adjusting their several pretensions. Others supposed, that the interval was employed in private intrigues with the individuals of different parties, and in an attempt to form an administration independent of the great leading connections. Others again did not hesitate to assert, that, on the failure of this attempt, the influence possessed by the Lord High Chancellor, whose dismission was a point insisted on by the coalition, was the principal cause that retarded the new arrangement.



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March 21. Mr. *Coke* informed the House, that as he understood a new arrangement was nearly, if not wholly settled, he felt it would be unnecessary for him to make the motion, of which he had given notice.

The Earl of *Surrey* declared, that if the arrangement was not fully completed on Monday, he would make a motion of the same nature with that, which the honourable member had intended to have made.

Mr. *Hill* said, that as the hon. gentleman who spoke first had mentioned an intended motion, he should beg leave to mention an intended amendment, in case that motion had come forward.

The *Speaker* said, as no motion was actually before the House, the amendment was not strictly regular: but the House calling out, read! read!

Mr. *Hill* read his intended amendment in the following words: "And that his Majesty would be graciously pleased not to nominate or appoint any person or persons to fill up the vacant departments, who, by their mismanagement of public affairs, and want of foresight or abilities, when they were in office, have lost the confidence of the people."

Mr. *Buller* said, he had come down to the House in full expectation of either hearing a new arrangement notified, or of hearing the hon. gentleman make his promised motion. The hon. gentleman having declined doing so, he was in hopes the noble lord in the blue ribbon would have given to the House some satisfaction on a subject, on which they must naturally be supposed to be extremely anxious. If the noble lord, however, did not choose to say much himself upon such an occasion, he at least expected to have heard something from one or other of the noble lord's new friends and connections.

Mr. Chancellor *Pitt* said, it was perfectly natural in the hon. gentleman who had spoken last, to feel some anxiety, as well as the rest of the House, under such peculiar circumstances, but he conceived the silence of those, who had heretofore been most clamorous for the motion of which an hon. gentleman had a few days since given notice, but which he now thought proper to decline, spoke as eloquently as words could do upon the subject, and might afford the House every satisfaction they desired.

Mr. *Coke* said, his wishing to decline making his intended motion, arose from delicacy; and from his conceiving that while an arrangement was forming, it would be equally unnecessary and improper for him to move what he had formerly proposed.

March 24. This day the House was as full as it has been this session, owing to the arrangement which was so confidently talked of on Friday last being totally broke off. The gallery was full by half past one; and there were by three o'clock at least 400 members present.

Mr. *Coke* informed the House, that he had delayed his promised motion until this day, as he understood last Friday that there then was an administration on the eve of being formed, which would have possessed the confidence of that House; since that time he understood that the negociation was broken off, and therefore he thought it incumbent upon him to make his promised motion. He mentioned the distracted state of the public affairs, and called upon a right hon. gentleman opposite, to say whether any administration was formed, or whether any was forming, with the likelihood of possessing the confidence of parliament.

Mr. Chancellor *Pitt* rose, and said, it was utterly impossible for him to presume to declare who would have the confidence of the country as ministers; nor did he know of any arrangement for forming a new administration.

Mr. *Coke* then entered into the cause on which the motion he was about to make was founded, and the reasons by which the necessity of it were supported. He lamented that public necessity obliged him to take a step which might seem an infringement on the prerogative of the crown, and that the present distracted state of affairs at home was an additional spur to such a step. But matters were so situated, that it became the duty of parliament to interfere, and to apply to the Sovereign for redress. It was the call of the people by its representative body, and he hoped it would not only meet the compliance of the sovereign, but that it would have the unanimous concurrence of the House. Justice to his constituents, and justice to his country, required the immediate execution of this measure. He lamented that the negociation with a noble duke was gone off; that arrangement he had understood to consist of men, who, he verily believed, would have had the confidence of the House. He was therefore not a little amazed at having heard that

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an end was put to the negociation, and if it should hereafter appear that the reason of breaking it off arose from any intention of making up an arrangement from those ministers, upon whose conduct that House had thought proper to pass a censure, he conceived the House would be much displeased. Mr. Coke said, that every man, both in and out of parliament, must admit the necessity of having an administration, and that immediately. He concluded with moving, "That an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to take into his serious consideration the very distracted and unsettled state of the empire, after a long and exhausting war; and that his Majesty would therefore condescend to a compliance with the wishes of this House, by forming an Administration entitled to the confidence of the people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of the country."

The Earl of *Surrey* seconded the motion, observing, that although he did conceive it carried with it some slight ideal infringement of the prerogative of the crown, yet the absolute necessity of having an administration, and the little prospect he saw of forming one according to the late modes of negotiating, made such a motion extremely proper. There was a high respect due to the sovereign, but there was also a high respect due to the people; and where the one could not be injured by the mode pointed out of serving the other, he thought it highly requisite to address the throne to relieve the kingdom from its present difficulties, and to point out what kind of an administration would best meet the hearty support, confidence, and good wishes of his people. His lordship mentioned the unfinished state of our political negociations with foreign powers, no definitive treaty being signed with France and Spain, no commercial treaty settled with America, our army and navy in a state of mutiny, the East-India Company standing in need of the immediate aid of parliament, both with regard to their affairs at home and abroad, and many other great and important considerations calling loud for the management of ministers, it was impossible to go on without a government; and therefore, exceptionable as the present motion was, he should give it his support, because he was convinced if that House did not call for an administration, the people would in a manner still more exceptionable.

Mr. *Buller* said he should oppose the motion, as he thought it totally unnecessary. His Majesty, he was confident, had by no means been a bar to the arrangement being formed, for he was confident he had sacrificed his own feelings, and given up his opinion, merely to comply with the wishes of his people. The coalition that had lately taken place surprised him, he said, beyond all description; he had heard the right hon. gentleman (Mr. Fox), for a series of years, reprobate the conduct of a noble lord (North) in the severest terms; he had scarcely ever agreed to a single act he had done; therefore he was astonished to find that right hon. gentleman form a coalition with that noble lord, and as warmly support as he had formerly abused him. The chief reason, he believed, of no arrangement being formed was, that a quarrel had already began between the two great leaders of the coalition, which should have the most power—whose friends should be provided for; and the struggle was not for the public good, but merely who should have the loaves and fishes. His Majesty therefore was by no means the cause of so long a delay, but it would rather be found that the first moment it became a question, how officers were to be appointed, difficulties had occurred, which, to a coalition so formed, must necessarily prove the source of much trouble, and take a good deal of time to accommodate.

Mr. *Martin* reprobated the coalition. It was scandalous and ridiculous, he said; it was reprobated in all companies he went into; and how it came to be formed, he was at a loss to know. With respect to himself, he had for seven years uniformly opposed an administration which, he was certain, was hastening the ruin of this country as fast as possible; his opposition to that ministry arose purely from a hope of rooting out those men, and not with any sordid views; but he was astonished to find that a great part of those who assisted him in that opposition, had now coalesced with the noble lord, the great supporter of the American war. He was equally surprised to see that others, who had been the chief means of all the distresses which this unfortunate country now laboured under, instead of meeting with due punishment, were rewarded with pensions, peerages, and ribbons: he wished to God the only reward they had met with had been ribbons; the expense of them was no great deal; but to see reward so

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prostituted, was what he by no means could approve of. He had attended several public meetings lately, and was shocked to see what arts were made use of to cajole the people into a belief, that the coalition was meant for the public good; he wished it might turn out so, if it did, he should be greatly deceived. He never could conceive that men, who had constantly avowed principles so extremely opposite could cordially unite. He had for years acted with Mr. Fox on principle; he had concurred in reprehending the American war, and the various other measures of the noble lord in the blue ribbon, who he did not then see in his place, though he knew not why he was absent. He considered the noble lord as the cause of the calamitous condition of the country, and could not support an administration in which he had any share. Neither could he forget what he had heard from the hon. gentleman repeatedly upon the subject of the noble lord's conduct. To the hon. gentleman's coming into office he had no objection, and would willingly, as he had before, give him his support with the desire of no other reward, than the hope that the country would be served.

Mr. *Hill* appologized to the House for not making the amendment he proposed on Friday last; however, he hoped he should stand excused when he declared that he did not see any necessity now for it, as the motion went nearly to the same effect; it was to take into administration such persons as deserved the confidence of the people; that perfectly included his amendment, for if it took in such as deserved the confidence of the people, it must naturally exclude those who had lost their confidence. A report prevailed that day, that the right hon. gentleman (Mr. Pitt) was appointed First Lord of the Treasury; he wished it was true, for he could not but acknowledge that his abilities and integrity were such as made him equal to any post he could be called to. He was confident Mr. Pitt would, when he had a little more experience, become one of the greatest ornaments this country ever saw; and he should lament to see an administration formed, that could exclude such vast abilities. He said, he had always thought highly of Mr. Fox, and if he were disunited from his new connection, he would still be ready to exclaim, "et tu Marcellus eris." He stated his objections to the coalition, and said, from the short time he had been a member of that House, he had learnt one thing, and that was, that a politician ought to be capable of sacrificing a whole nation to his interest or his ambition.

Mr. *Fox* declared that he never could sit still and hear the name of Majesty brought forward in debates, to screen the actions of any set of men whatever. That House, he said, knew nothing of his Majesty's private feelings, or his Majesty's private opinions; they could suppose nothing about them. Whatever were his Majesty's private feelings or opinions, they were only known to his own royal breast. His Majesty could never act wrong, unless he was ill advised; it would therefore be proper to state from whom he could receive that ill advice, and it was plain to be seen from what channel it had come. The nation had been now near five weeks in a state, perhaps, such as it never before experienced, carrying on measures without any ostensible persons to answer for their effect. He owned, when the hon. gentleman had arisen, who spoke last, he did imagine he had intended to move the same amendment, which the hon. gentleman had read to the House on Friday last. That amendment was a part of a motion which he had formerly had the honour to make, but which had not been adopted by the House, though it had received the support of a very respectable minority. It could not therefore be brought forward as a matter that had met the sanction of the House. The hon. gentleman had now said, he would not move the amendment for the sake of avoiding the confusion, into which it might have led the House; undoubtedly such would have been its effect; but the confusion would have been still greater than the hon. gentleman seemed aware of. For had the amendment been moved, he should have proposed an amendment upon it; if the first amendment had been carried, which desired his Majesty not to employ persons, who from want of foresight had lost the confidence of the people, his amendment would have been to have added the words, "and also, that his Majesty would be graciously pleased not to employ as ministers, any of those whom that House had declared to have made a peace, in which the concessions to the adversaries of Great Britain were greater than they were entitled to, either from the actual situation of their respective possessions, or from their comparative

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strength." Had both those amendments been before the House, and certainly the one was as fair, or more so, than the other, (because it stood on the Journals of the House, which the other did not) he verily believed the House would have been not a little confused how to act. If the hon. gentleman insisted that the motion of last year, although supported by a respectable minority, ought to exclude the noble lord in the blue ribbon, surely his candour must make him acknowledge, that the vote of the 21st of February, above alluded to, must equally exclude the noble earl, who was at the head of the Treasury. Well then, what would be the consequence? Both those parties being excluded, there would be only one set left unimpeached; and although that was the set he most wished for, he should have voted against both amendments, confident, that however respectable the Rockingham party were, they were not sufficient to stand alone.

The noble earl, who seconded the motion, had treated it rather too seriously, in thinking it would be an infringement on the prerogative of the crown. He was ready to own, that it was unconstitutional in that House to meddle with the prerogative of the crown; but he never could agree that it was not perfectly constitutional for them to enquire into, and to censure the conduct of the advisers of the crown, whenever occasion called for it. He did not, in the present instance, conceive it possible for the calamitous situation of the country (arising from the five weeks want of a responsible administration) to have happened, had not the crown been ill advised. Had a single hint only been given to those, with whom he acted, that the degree of confidence necessary to carry on the measures of government would be placed in them, every thing would have been easily adjusted. The motion went to that; and, therefore, in giving it his support, he could not think he countenanced an unconstitutional interference with the prerogative; although, had the motion borne such a construction, as the noble earl, who seconded it, had truly said, the present situation of the country would have been a full justification. Let the noble earl only look at the Speech made by his Majesty at the opening of the present session, and he would there see a lesson laid down to the House; for the minister had made his Majesty say, that he knew the sentiments of the people better than their representatives The Speech recommended the House to act with temper and wisdom, collectively and individually, and concluded with saying, "My people expect these qualifications of you, and I call for them." Surely, he said, the House had an equal right to say to the throne, "The people expect an administration they can confide in, and to you they call for it." To form an administration of that kind, he said, it would be necessary to call forth great and distinguished abilities from all parts of the House; it must be an administration formed on a broad basis.

If ever it was right to forget former animosities, to forego ancient prejudices, and to unite, it was right now. The situation of the country required a coalition of parties; and, in order to attain so great an object, where so much was at stake, and to form an administration on a broad and permanent basis, he was ready to shake hands even with those opposite to him, as well as with the noble lord in the blue ribbon, and from out of the three parties to form such an administration as the country country could look up to with hope and with confidence. In order to effect this, it would neither be wise nor prudent to point out the former errors of one party or of the other, but to lay aside the recollection of the past for the sake of being able to do well for the country in future. With regard to there being persons ready to accept of power, it was a fact that there were. But surely for men to be ready to endeavour to serve their country in a moment of uncommon difficulty, with a table full of great and important business, with a loan to be directly made, with many other questions of infinite magnitude, pressing for immediate discussion and management, and with the prospect of a powerful opposition; under all these circumstances to be willing to undertake the government of the country from a hope that they might, by an union of abilities, and a vigorous exertion of them, rescue the empire from its present calamitous condition, was surely a matter in favour of those, who were ready to undertake the goverment, and the more entitled them to the thanks and confidence of that House and of the country in general. With regard to the eagerness of gentlemen so sarcastically mentioned, if any man thought, in times like the present, that he and those who acted with him, were influenced, merely by motives of a

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personal nature, he was willing to let them remain in that opinion. To such an argument he would not offer one word in reply. He had heard, he observed, a good deal from an hon. gentleman, who spoke early in the debate, about the new friends and new connections of the noble lord in the blue ribbon. He was a little surprised at hearing such an attack from such a quarter. He was not old enough to remember it; but he understood, that the hon. gentleman himself, fourteen years ago, quitted those who were now the noble lord's new allies, then the hon. gentleman's old friends, to join the noble lord. Was it more reprehensible for him, and those who acted with him, to do that in a body now, which the hon. gentleman had thought proper to do singly, as an individual, fourteen years ago? As to the hon. gentleman's suggestion, that the difficulty and delay that had attended the arrangement of ministers, would be found to have arisen from a difference of opinion between the heads of the two parties that had united, the hon. gentleman was mistaken. He did not believe it arose from any want of disposition on the part of his Majesty to comply with the wishes of his people; and he knew that it originated not in any difference among those who had formed the coalition, so much disapproved of by the hon. gentleman who spoke last. With regard to their conduct respecting the arrangement, he heartily wished he was at liberty to state every particular of it without reserve. The more it was known, he was convinced, the more it would be approved. It could hardly, however, be said, that there was no government; on the contrary, for these five weeks past it had been the most open and barefaced government ever known in this country. Not a government by ministers—not by a first lord of the treasury, or by secretaries of state, those puppets and instruments of others, but by the persons themselves who had been supposed only before to possess some secret influence, but who now stood forward as the private advisers of his Majesty to act in opposition to the wishes of his people and to the sense of his parliament. [During this, Mr. Fox looked hard at Mr. Jenkinson.] It was, he verily believed, owing to that secret influence alone, that so much delay had hitherto been practised. If any man wished to see who it was that had for five weeks past governed the kingdom, and ill advised his Majesty, let them go to the other House; they would there find the great adviser in his true character. Let them mark the man, they would see difficulty, delay, sullenness, and all the distinguishing features of what had been falsely termed an interregnum of administration; but what was, as he had before said, a sample of the most open government ever known in this country. Mr. Fox said, the motion had his hearty approbation, and he trusted there could be no objection to it. He advised the House by all means to be unanimous upon it, to carry up the Address to the throne as the sense of that House, upon the want of an administration, and not as the measure of any one party or set of men whatever. If any of the particular words of it were deemed objectionable, he said, he could answer for his hon. friend who moved it, that they would be given up or altered, as the House should think proper; but, at any rate, he hoped it would pass.

Governor *Johnstone* right agreed with the hon. gentleman who had, with so much truth and energy, depicted the melancholy situation of affairs; and confessed the great necessity of an administration capable of reviving the consequence and dignity of this country. He also admitted, that it was unparliamentary to use the name of his Majesty in debate within those walls; and yet he scarcely knew how it was possible, in the course of such a discussion as the question called for, well to avoid it. But if such a delicacy was due in that respect, he thought it no less so in another. If the name of the person of royalty was not to be mentioned, he thought strong charges and imputations against men of great weight and ability in the state, ought not to be loosely and darkly thrown out, and that upon mere assertion, unsupported by proof. If he conceived the right hon. gentleman near him rightly, in respect to what he had said about a certain noble lord—he alluded to lord chancellor Thurlow—once the right hon. gentleman's friend, and on whom he had heard him pronounce the loudest eulogiums, and declare he was the single exception in the administration of the noble lord in the blue ribbon, who ought to hold his place when that administration was compelled to resign. For that noble lord he himself had long entertained the highest respect, and the warmest friendship. He considered him as a real pillar of the state, to whom this country might look up with confidence, as a protector of its constitu-

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tion against those mad projects of reform, which threatened its annihilation. The noble lord's shining talents, his firmness of mind, and, above all, his incorruptible integrity, entitled him to be considered as one of the great pillars of the state; and therefore dark insinuations against such a character ought not to be listened to. His maxim, the governor said, had ever been to name the person liable to accusation, and to support the charge with proof. In justice and in fairness, that that maxim ought to be adhered to in the present instance. If the learned lord had acted in the manner insinuated, and had been the cause of keeping this country so long without an administration, either by giving ill-advice to his Majesty, or by any other means, the learned lord was a great criminal, and he would withdraw his friendship from him, because he would give his friendship to no man who could be guilty of so much baseness. But, before he withdrew his friendship, he expected to have the fact proved, and would not consent to presume its verity from loose surmise.—With regard to what had been said about forgetting past animosities, he highly approved of the idea. No country could exist for a long time, or be governed with any success, if animosities and prejudices were to live for ever; but it was not so easy to convince the people at large of the force of the reasoning which proved a coalition necessary. The present moment undoubtedly called for unanimity, and that an administration should be formed on the broadest possible basis. He wished therefore to see a coalition of the three great parties take place, and men of the first abilities of every description be included in administration. Such a coalition would give an arrangement equal to the government of the country at this critical moment, and to which the whole people would be led to look up with satisfaction and confidence. The right hon. gentleman had said, he would coalesce with the ex-ministry, and take some of them into his arrangement. Would he take a principal in administration from that set? Let the right hon. gentleman answer that question in the affirmative, and he would own, that was a proof of sincere desire to form a real coalition; but to admit one or two of the ex-ministry into subordinate offices, did not by any means come up to his idea of a general coalition of parties.—With respect to the prerogative of the crown in the choice of ministers, that matter, in his opinion, depended upon an equal balance; the King ought not to be altogether deprived of having some choice; neither ought he to consult his private feelings only. The public weal was the object that ought to operate solely in the appointment of ministers, and public considerations should alone guide the royal choice. The case on the one hand was widely different from that of a private individual choosing and appointing his own personal servants, and on the other, the royal will ought not to be so far cramped, checked, and controuled, that his Majesty should be rendered a mere king of straw. His only objection to the motion was, that it did not go far enough. He thought his Majesty ought not only to be addressed to form an administration, but that means should be taken to find out to what cause it had been owing, that the country had been kept so long without any. The governor said, the noble lord in the blue ribbon, till within these six weeks, had as much of the confidence of the people as any man in the kingdom. His character became more and more understood and respected, and he was daily getting stronger and stronger in the public opinion; but this coalition had undoubtedly affected him in the opinion of many of his friends.

Mr. *Fox* said, he had still as high personal respect and friendship for the learned lord alluded to as ever; he had merely spoken of his public conduct, which he believed had been most calamitous in its effect to the country. He acknowledged his great abilities, but contended, that they rendered their possessor more an object to be dreaded, as the degree of mischief he could do his country became extensive in proportion to the extensiveness of his talents.

Governor *Johnstone* said, he had alluded solely to the hon. gentleman's professions of public friendship for the learned lord; indeed, to have hinted at his private friendship in that or any other instance, would have been equally impertinent and improper.

Mr. *Jenkinson*, in reply to the insinuation of Mr. Fox, concerning the evil advisers of his Majesty and the secret influence behind the throne, considered himself as alluded to by the right hon. gentleman, and therefore stood up to refute the charge in every, and in the fullest sense of its unwarrantable meaning.

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He said that the prerogative of the crown was not so limited as to proscribe any privy counsellor the presence of his sovereign, or to take from that sovereign, the advice of a privy counsellor. As to secret influence, he denied such ever to have existed in him; but he thought that when his Majesty was graciously pleased to send to him and command his attendance, he was bound in duty and respect to obey the summons. He owned that in the course of the last five weeks he had been with his Majesty more than once; he declared that he never did go, except on official business, and when he was sent for; and that he never did use any secret influence, or gave any advice whatever, which was not warranted by the strongest principles of national justice. The idea started by the right hon. gentleman was a popular trap for the multitude; it only existed in imagination, and was brought forward for some political purpose, to which the House were probably at this day no strangers. He wished that his conduct, in and out of the closet, could with propriety be opened literally and minutely to the House, and to the public. He would stand the test of enquiry, and gladly enter on the business. He appealed to the noble lord in the blue ribbon, with whom he long had the honour of serving, whether what he now advanced was truth or falsehood, and whether during the ten years they had served together in office, that secret influence so insidiously hinted at ever had existence. He not only appealed to, but he called on the noble lord to declare it, and such confidence had he in his innate principles of honour, that by his determination he submitted to abide. As to what fell from the right hon. gentleman respecting another instrument of secret influence, so far as it met his belief or came within his knowledge, he declared that the learned lord alluded to had not interfered for the last ten days; and that the matter of arrangement entirely rested with a noble duke and his friends. There, indeed, some influence might have existed, by which the arrangement might have been retarded—a secret influence among the contending powers; something with which the right hon. gentleman was perhaps acquainted—perhaps not. He wished, however, that those who charged him with undue influence could, on a late transaction, lay their hands on their hearts, and clear themselves as completely from the foul suspicion as he had it in his power to do. The address moved for did not meet his assent: he considered it as a very great infringement on the prerogative of the crown, and as a dangerous precedent, unwarranted by any thing similar in the annals of this country. The principal danger lay, not in what now was done, but what in future might be done on the same plan. One innovation led to a second, a second to a third, and so on, step by step, until the king was made a cypher, a king of straw. There were in the page of history some events that should be a warning how sacred the constitutional rights of the crown ought to be held, and how requisite and necessary it was to preserve the political equilibrium between the three estates. It was urged as an argument in favour of the motion, that there was no precedent for this country being so long without an administration, and that the present ministerial interrugnum would be the ruin of the kingdom. These premises he denied, and, of course, could not agree in the conclusion. There was a time when this country was three months without an administration. It was in the year 1757. Then there was no first lord of the Treasury, no chancellor of the Exchequer, and the seals were in possession of the justices of the court of King's-bench; yet the interregnum did not ruin the kingdom, although England was then engaged in a very expensive and bloody war. Upon the whole, the motion appeared to him improper: and if it was a matter of contention, should not have his concurrence.

Mr. *Macdonald* had not any objection to a motion which grounded an address to the throne for a redress of grievances, and in that light the want of an administration was most undoubtedly to be considered. But the words in which that address was to be conveyed, and the manner in which it infringed on the prerogative of the crown, were matters of very serious consideration indeed. He therefore wished to hear what could be said in support of a motion which not only had a tendency to narrow the royal prerogative, but certainly conveyed a very severe censure on somebody. There was in it something that wanted explanation, openness, and candour, before it went to the throne; supposing that the idea of such an unprecedented address met the wishes of the House. When any thing respecting the sovereign came into

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debate, it was his maxim to treat it with the highest respect; and, therefore, to avoid whatever might have a contrary tendency, his intention was to move the order of the day. The reasons, however, which, in his judgment, warranted him to oppose the principles of the motion, were founded on facts, the authenticity of which he had as yet no cause to doubt. A coalition was lately formed, of such a nature, as astonished the world; it was a coalition of such opposite principles, of such contrary opinions, and of such avowed political enemies, that it created the astonishment of all ranks. The public wondered at it in one body; individually they differed; some few, and few indeed they were, approved the junction; many thought it improper, and all detested it. As to what fell from the hon. gentleman in respect to a high law lord, if there was any secret influence in that quarter, if there was any improper, any unjust, any unwarrantable conduct in that learned lord, why not bring the charge openly forward, why not make the complaint explicitly, and if there was guilt, punish the delinquent? It was in the power of parliament so to do, whenever the matter of guilt could be substantiated. But thus to attack a man's character by innuendo, to make him a political culprit for political purposes, without evidencing the crime, was a species of parliamentary privilege that ought to be reprobated by every honest man. This maxim of the new coalition, to run down every man whose principles were not as pliable and as versatile as their own, was a doctrine novel in the conrtitution of true patriots, although it was the adopted system of that party who were to save this country, under the appellation of Whigs. Whigs, he believed, was the favourite name by which they wished to receive their new baptism, through the promises made for them by the godfathers of this remarkable coalition. He observed, that it was true the learned lord alluded to did not stand in need of such defence as he could afford, nor was he to be injured by hints thrown out against him by the right hon. gentleman. "An tu es qui cum illo compares?" He trusted the noble lord in the blue ribbon would avow whether he concurred in thinking that the noble lord alluded to had given a sullen advice, advice of procrastination, or advice deliberately destructive to the crown. If these were the first fruits of the coalition, it would plainly shew its origin and intention in their true colours. It did not deserve the respectable name of coalition; it was a perversion of words to call it so. On a former occasion it was mentioned by a right hon. gentleman (Mr. Pitt) when this new connubial state was formed, that to him it appeared so ill calculated to answer the purposes of matrimonial happiness, that he forbad the banns. Matrimony, in politics, he conceived to be nearly allied to matrimony in human life; it ought to be founded in affection, supported by a similarity of ideas, and entered into for the real happiness, comfort, and satisfaction of both parties. The coalition alluded to could not, in his opinion, answer those purposes, as the parties were opposite. They had, on every material question, differed in sentiment, in opinion, and in every essential point that was requisite to form a permanent system of administration. For these reasons, there could not be any constitutional good expected from an administration formed on such principles. Interests that jarred in sentiment, however they might, for a moment, tune in unison, could never make harmony for any length of time. Coalition implied some equality of power, and the means of enforcing the fundamental principles on which the parties had acted. But what was that equality of power to have been? The noble lord in the cabinet, and perhaps another friend now to be stiled Whigs, and a few places of mere profit to a few other friends. One of two things must be the case, that the noble lord's principles and those of his new allies being diametrically opposite, the one or the other must have yielded. Could it be believed, that those whose power was to exceed his, as ten to one upon the whole, and at least two to one in the cabinet, would surrender their principles? What was a man to think who had supported him for years under every mortifying abuse as one of a venal and corrupt majority, and who would do so again, if the same contest were again to be fought over, when the honour and interest of the nation were at stake, at finding that the noble lord had knocked under (as the vulgar but expressive phrase was) to those whose principles of government he thought ruinous to the nation? They must conclude, themselves and those principles deserted, when they found that the noble lord was not to have a tythe of the power and influence in council necessary to support those principles. The noble lord



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would find, that opposition to the principles of his new friends was as strong a motive of action with his majority as attachment to himself, which was also certainly a strong motive from the integrity of the noble lord's intentions; it appeared, however, that they were now considered as passing by delivery from hand to hand, like bills of exchange. He wished, he said, to call back the remembrance of the ministerial negotiators to the delay of forming an administration, and to ask them seriously the occasion of that delay? It was not, certainly, to any delay on the part of those whose principles were opposite to the honourable parties alluded to. He apprehended that there was among the noble duke's friends a division about power; and that because there appeared a majority on one side, that might outweigh the interest of the other, it followed that this amicable coalition could not coalesce. He appealed to the right hon. gentleman, and to the noble lord in the blue ribbon, if this was not the fact; and if their divisions and their disputes were not the cause of this country being at present without an administration. The noble lord in the blue ribbon was to have only a tythe of the power; and therefore, in such an administration, he must consider his abilities, his inclination, and his principles lost. He admired the conduct, the perseverance, and the honourable motives that marked the administration in which that noble lord took the lead; but as they now must be totally changed, or have lost their weight, this, among a variety of other reasons, made him look upon this unnatural connection in the light he did. He added, that the public, that all mankind, had the same opinion of it, and reprobated it as much without doors as he did within. For years together, there had not been a particle of similarity between the present parties to the supposed marriage. Was the noble lord satisfied that the power of the crown was too great? A most important ground of difference! For his own part, he cared not who knew his principles in politics. He had a right to entertain them, and was bound to act up to them. He thought the democracy more to be feared than the regal power. If the first debate, he added, under the coalition, (which had no more title to that appellation than if hiring a clerk should be called coalescing with him) started in reflecting on the great and learned lord, he would put it to those who disclaimed proscribing, whether the common opinion was true, that that noble lord had been proscribed near a fortnight ago? Would they say that he could be supposed to volunteer with his advice after that, or had so done? He would not believe it. The question, however, was now serious, for the proposed Address assumed, that blame lay somewhere. The right hon. gentleman had spoken out, and stated where that blame lay. The world would consider that exposition in a manner as part of the Address, and it became necessary for the same gentleman to retract that assertion, or to give grounds amounting to a reasonable proof of it. The assertion was, that the learned lord, from a sullen, dilatory, and hostile disposition to the public welfare, had advised the delay which had happened. He concluded with observing, that this Address came near to trenching on the prerogative: that every passage of our history shewed, that forcing the crown, uniformly ended in its power recoiling very strongly on the subject sooner or later: that evident and clear advantage ought to be seen in every proceeding tending that way. It was not enough that it might do no harm, or might do some good; and as the new-invented arrangement had been announced by the mover, as at an end so recently as yesterday evening or this morning, it might be reasonable to pause, and to call for the order of the day.

Mr. *Fox* took a comprehensive view of the coalition, and reprobated, in the strongest terms, every insinuation and charge made by the hon. gentleman who spoke last. He said, his very severe attack on the noble lord in the blue ribbon need not give his lordship any pain; for as it was early in the debate, it was probable, and there was a precedent for it, that the hon. gentleman, before the rising of the House, would get up and make an apology for what he had said, or at any rate it might be expected by the next day at farthest. He denied that the delays of forming a ministry were at the doors of the duke of Portland and his friends; they lay elsewhere. It was, without question, the Lord Chancellor whom he meant as the secret adviser of the crown, and the cause of the delay in the choice of an administration. He avowed the charge, he wished not to conceal his opinion, and he openly averred, that to the learned lord he looked for the influence which at present directed the sovereign. His reasons

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for so doing were these; that as there was not any First Lord of the Treasury, any ostensible minister to be answerable, the chancellor, of course, was the person to be considered as the only official man from whom his Majesty could receive advice; and therefore he alluded to that learned lord. That there was influence, that there was secret council, he believed no man doubted. The coalition alluded to by the hon. gentleman, had, it seemed, met with disapprobation, because old enemies had become new friends; because those who differed on former points had, in present matters, come to an agreement. Was this so extraordinary an affair? Was reconciliation such an improper, such an unprecedented, such an unparliamentary maxim? Surely not! The empire was thrown into convulsions; the state was without an helm, and the kingdom without a government. As to what the hon. gentleman alleged, in respect to the coalition occasioning the delay, he was misinformed; and as to what he had said about the contention in that coalition for power, his information was not correct. This he boldly advanced as a truth incontrovertible, because it was founded in that which could not be controverted. The coalition was founded on a principle to which every honest man in the kingdom must agree. It was founded on a principle that went to reconcile old animosities, and to form an administration upon a permanent, sound, and constitutional foundation. Such was the administration that this country wanted, and such only was the administration that could relieve it from its present difficulties. Much had been said about old enemies re-uniting. He took the liberty again to mention the circumstance, and he demanded if that was improper or impolitic. Political differences, and the diversified interests of party, had brought this kingdom to its present unhappy situation. And as by the recent and former examples of a want of coalescence, there were evident proofs that the empire could only be happy in the unanimity of parliament; so it followed, that coalitions to effect that unanimity were constitutionally proper. When the House looked at the business upon the table, when they considered the situation of affairs at home, and abroad, and when they looked to the probable and certain consequences, it must be natural to conclude, that nothing could save this country from ruin, but a rigorous, virtuous, and steady administration. Something had been said by the hon. gentleman, that alluded to a venal tribe, as always applied to those who had supported the administration of the noble lord in the blue ribbon. He wished to know whether by that description the hon. gentleman meant those who changed their opinion, those who left him, because, as they themselves contended, he had not so great a power as formerly of providing for his friends, or those who still adhered to him without the prospect of reward, and had not joined others who were likely to pay better. If he meant the former, then the hon. gentleman spoke from conviction. As to what had been said respecting a majority of interest, he denied any such idea. There was, indeed, as already observed, some slight difference in respect to the coalition; but, out of the five weeks negociation, that only took up ten hours, and was then finally adjusted and conclusively settled. The charge, therefore, in that respect, was groundless. He begged pardon for again repeating this matter to the House, but as it was urged in a strong manner against a noble duke, he thought he could not too much impress the subject on the attention of the House. —In answer to the learned gentleman's comparison of the noble lord to a clerk hired into the service of the Whigs, he said, the learned lord on the woolsack had been exactly such a clerk to both the administrations he had taken a share in, and he appealed to the learned gentleman, whether his friend, the learned lord upon the woolsack, would condescend to consider himself as a mere clerk, or thank him for the comparison. The motion before the House, therefore, became a matter absolutely requisite to be adopted. The people demanded it, and the kingdom wanted it; therefore it should have his concurrence. He took notice of what had fallen from Mr. Jenkinson respecting his giving the King his advice; he admitted, that being a privy counsellor, he had a right so to do, but what he found fault with was, not that the hon. gentleman gave his Majesty his advice, but that he gave it him in secret. There lay the rub; let it be public—let it be in the face of the council, that the hon. gentleman was his Majesty's adviser, and there would be no harm in the business; nor any thing suspicious in it; as the matter stood, the case was widely different.

Sir *C. Turner* said, that the noble lord in the blue ribbon had been one of the

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great supporters of the American war, which was the cause of all our misfortunes. That cursed war, he said, had ruined this kingdom, and had deprived him of 2,000*l.* per annum; therefore he had a just right to reprobate it. Another cause of our misfortunes was owing to the authors not being impeached. If they had been impeached, which it was the duty of that House to have done, it would have deterred others from treading in the same steps; but now they saw plainly that delinquency was the high road to preferment, and if any leading man in the House would sell his conscience, he would insure him a peerage. To commit political crimes, was the sure road to titles, pensions, and ribbons. He wished the noble lord had been only rewarded with ribbons; it would not have cost the country so much. He had at one time hoped the noble lord would have been punished by expulsion, and that he would have been sent up to the other House, to sit along with a noble earl, a principal instrument in carrying on the American war, where they might have held a conversation on the subject together. The coalition so much talked of, had astonished the whole nation, and no person more than himself: he was sorry to see it; as his worthy friend Charles, who was his leader, and to whose back he thought himself tied, as one of his pecus, to be led wherever he drove, had materially hurt himself by such a coalition; he had forfeited much of his popularity; for the noble lord with whom he had coalesced, ought to have been expelled that House. The noble lord, undoubtedly, in his private life, bore the best of characters; indeed his whole family were amiable; but in public life, in politics, he had been unfortunate, therefore he was certain his right hon. friend, in making the coalition, had done wrong; but he made no doubt he would bring himself clean through, for his heart was honest and good, but in the present instance, his head had done the mischief. He would tell the House his opinion of marriages; they were sometimes made for the sake of interest and power, and he made no doubt a learned gentleman (Mr. M'Donald) would agree with him. On the whole, he reprobated the coalition: he wished it might turn out well; he made no doubt it was well intended, but he was fearful it would not answer the end.

Lord *North* said, it was not his intention to have troubled the House with any observations, but he felt himself so materially called on, that in fact it would be unpardonable to sit still. The learned gentleman (Mr. M'Donald) had made use of a strange assertion; he had said that some approved of the coalition, many reprobated it, and all detested it; how he could reconcile to himself such strange contradictions he was at a loss to know; but as the hon. gentleman had allowed that some approved of the coalition, he would in defence of it say a few words. The coalition had been formed with the most fair and honourable views: it was not, as had been insinuated, by either party giving up their principles; he had not given up his, nor did he require that those with whom he had coalesced should give up theirs. He maintained the same opinions still respecting the prerogative of the crown, and by no means thought it too great. The strange vote which the House had come to, "That the influence of the crown had increased, was increasing, and ought to be diminished," was seen to be erroneous, he trusted, by almost every person, and certainly he was against it when made, and continued still of the same opinion. His lordship said, that he was sorry to see the little consequence of a coalition founded on a sincere wish to form a broad, permanent, and firm administration come so soon across the minds of gentlemen; and that, instead of considering whether, by consenting to forget former animosities, and to sacrifice prejudices of some years standing, such a coalition might not take place as would enable the country to derive advantage from it, fears should be entertained, least one of the leaders of that coalition should not have a power of distributing a sufficiently large share of the loaves and fishes, as they were vulgarly called among his former friends and adherents. When he had brought himself to consent to the coalition that had been so much talked of, was it fit for him to be stickling for power, or jealous of other men's having more than himself? His object was far different. It was to put an end to that discord that had so long torn and distracted the country; to lay asleep that spirit of dissention, that had but too fatally marked its progress; and, in its stead, to restore unanimity, to give us peace at home, and to bring once more within our view the domestic happiness and foreign greatness of this exhausted country. The worthy baronet had said he deserved to be ex-

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pelled, on account of the American war—that would have been a cruel sentence; for however the war had turned out, he had entered upon it with a good intent. He was convinced then of the justice of the measure, and it would be cruel to try him by the event, as it had proved unfortunate. The situation of this country at the commencement of that war was such as to justify the measure, and to give a prospect of success; however, that point was now at an end; and however he, and the friends with whom he had coalesced, might differ on some particular points, he trusted they would be able to act together in such a manner as perfectly to agree in matters which respected the good of the empire. The persons who reprobated the coalition, forgot that it was almost impossible for any persons in that House to agree together, who had not materially differed on many important questions. The present administration, if there was any, was composed of persons who had materially differed in politics, and when the House considered that there was in the nation three great parties at least, to form a coalition two of those parties must join; and although the coalition was so strongly reprobated, every person agreed, that an administration should be formed on as broad a basis as possible. Perhaps they meant an administration composed of all the three parties; if that was their meaning, he had no objection to agree with them. Certainly the divided and distracted state of the empire called aloud for every person of ability to stand forth; and he hoped, that whenever an arrangement did take place, it would be such as to answer the end proposed. He had been particularly called on, by an hon. friend, to declare whether he ever, during his administration, found any secret influence lurking behind the throne that frustrated his intentions; he would freely confess that he never did; he had, while in administration, frequently received advice from that hon. gentleman; for which he was much obliged to him; but he never knew that he had given any secret advice to his sovereign, that he would not, if there was occasion, publicly justify: he was also called upon, he said, respecting his opinion, whether the Lord Chancellor had not given such secret advice; he could not say he knew of any such advice having been given; that learned lord he had had the honour to act with for many years; he always found him an able, honest, and upright man, and believed him worthy of the office he filled.—With respect to the delay that had been given to an arrangement being formed, he could only say that it had not proceeded from any fault of his or of the noble duke with whom he had coalesced; it was not owing to any disagreement between them, any quarrel for power, or, as he had already said, for a distribution of the loaves and fishes. With respect to the latter he had heard more about them, and seen more anxiety for them since he came into the House, than he had discovered during the whole of the negociation alluded to.—The learned gentleman (Mr. M'Donald) had felt himself much hurt at the coalition that was formed, and had said, that he had given up his principles and deserted his friends; he wished to hear in what he had given up his principles, or which of his friends he had deserted; he knew of neither: he had, he said, during a long administration, received the honour of a numerous support from that House, and he trusted he still should be supported by them. He had not purchased them as the learned gentleman alluded to, nor did he consider them as a bill of exchange that he could indorse over to any party; he hoped those who had supported him acted from principle, and would still continue to do so. If there were any that acted from other motives, the learned gentleman knew it better than he did, and consequently was better qualified to speak on the subject. When he was inclined to form a coalition, for the purpose he had stated, would it have been wise or expedient to stickle for particular points of advantage, or for superiority of power either this way or that way? Surely no man would say so.—The motion before the House was, in his opinion, a very proper one; for it was now five weeks since there was any fixed or ostensible administration; and certainly the country never stood in greater need of a permanent one than they do at present. The time mentioned by his hon. friend, in the year 1757, he perfectly well remembered; that certainly was bad enough, but it was different from the present; the duke of Devonshire then continued at the head of the Treasury, and Mr. Legge had only withrawn himself; the supplies undoubtedly went on; the Ways and Means were formed, and business did not stand still. Almost a similar affair happened last year: on the 27th of February, 1782, he looked upon it that his administration

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received a mortal stab by the vote respecting the American war; it was sufficient warning to him of the danger of the disorder; the administration lingered for some time, during which, they moved their supplies, and opened their budget; but every physician, who knew any thing of the political constitution of this country, saw the desperate state in which the patient was then lying on its death-bed; and on the 27th of March they were verified in their opinion, for then it totally expired. The present administration, he said, had received sufficient warning of their fate, and it was high time that another had been formed.

Mr. Chancellor *Pitt* did not think that the present motion was any breach of the constitutional prerogative of the crown, or that it had any affinity to what seemed to be the opinion of some gentlemen in respect to a parliamentary right of the Commons to interfere in a matter where the well-being of the empire consisted in the formation of a ministry. He had, however, to observe to the House, that it was a matter which required their consideration, whether the motion now before them, would have the effect to which it seemingly tended. For his part, he did not see how the Address could remove the difficulties that stood in the way of forming an administration, supposing that Address unanimously carried. It only went to request, that his Majesty would form an administration that might have the confidence of the people. He wished in that case, to know who were to be the judges of the particular men who had the confidence of the people, and how that matter was to be decided. At present there did not appear any criterion by which such an opinion could be formed. His Majesty was desired to appoint an administration, which by his royal authority he was already vested with power to do. He wished the noble lord in the blue ribbon, and his right hon. and new ally to declare upon their honour, whether in their consciences they believed that the Address moved for, if carried, would accelerate the business, or reconcile the militating opinions of party. He allowed that the empire without a government, without a ministry, was a matter of public misfortune. The present situation of the kingdom was the absence of all the functions of government, and the affairs of the nation were thrown into a distracted state. But he demanded whether the Address moved for, had any real tendency to relieve the state, and whether it was not calculated for other purposes. Some people could reconcile it to their minds to part with their old principles, and adopt new ideas; however such sentiments might agree with tried constitutions, and long practical habits, he was yet too young to change his opinion, and conform his ideas to the tide of interest, or the prevalence of party. He had formed one opinion, one great principle, by which his conduct was to be regulated; and it had in his heart taken such deep root, that he could not erase it. Gentlemen talked of forgiving animosities, and altering their political opinions with as much ease as they could change their gloves; what they reprobated to-day, they were justified in applauding to-morrow: and those whom they hated, distressed, and hooted at in the morning, it was honourable, patriotic, and conscientious they should take to their bosom in the evening. This was a maxim as yet a stranger to his heart. He could not coalesce with those whose principles he knew to be diametrically opposite to his own; because, if they changed to his opinion, he could not depend upon them, and if he changed to theirs, he must be conscious he acted against his honest judgment. Parties formed on such a basis could never long continue. There might be a seeming coalition of sentiment with the coalition of interest; but men who had come to years of discretion, and who well knew how such political marriages were made, would pay very little respect to the oath by which they were bound, whenever they found it their interest to depart from it. A similarity of ideas, was requisite to make friendship permanent, and without that similarity, there could not be either public or private coalition that would last.

He therefore thought it necessary to declare explicitly, that he could not bring himself to adopt the same mode of reasoning as was held in justification of the grand coalition, and that his principles were such as were not adapted to times like the present. Mr. Pitt after this declaration, that he would not join the coalition, asked with an air of great earnestness, if contrary to what he had heard, and contrary to what he believed was the general opinion, he was to understand that the noble lord in the blue ribbon, and the right hon. gentleman, had solemnly pledged themselves to the assertion, that an ar-

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rangement of administration had not been delayed above ten hours, or some very short space of time, in consequence of the difficulties, that had arisen between the noble lord and the noble duke, respecting the disposition of their arrangement, and that the noble lord and the right hon. gentlemen had also pledged themselves that the whole of that arrangement had been made known wherever it ought to have been communicated?

The noble lord in the blue ribbon had mentioned that he and his right hon. friend were perfectly agreed; and yet the noble lord publicly avowed that he should hold firm to former political sentiments, and that he should oppose the Reform Bill. Was this a coalition likely to exhibit a similarity of sentiment for the public good; where, in the most essential point of interest for the people, the noble lord and most of his new friends materially differed? There was another point that he wished the House to consider; it was to wait another day before they sent up their Address, as it was probable an arrangement would then be formed. He thought this might be asked and granted now with as great a degree of propriety as it was on a former day; and he said, that he had some reason to imagine an administration would be formed, if not in one, at least, in two or three days. If gentlemen, however, differed with him in that opinion, he had no more objection to the motion than he had to see an honourable, honest, and permanent ministry formed. It was what he wished for the welfare of the people, and for the peace and prosperity of the kingdom.

Lord *North* said, he begged to be perfectly understood with respect to the negociation for an arrangement. The delay, he declared on his honour, had not been on account of any quarrel or disagreement between the duke of Portland and himself: there had not been, since the coalition first took place, any material difference between them; each party undoubtedly had delivered their sentiments; and although they might not in every particular correspond, the difference had been such, as by no means to prevent an arrangement from taking place; it was unnatural to suppose they could quarrel about the distribution of power, before they had power to distribute.

Mr. *Fox* said, as both the noble lord and himself had been so publicly called on to declare whether the delay did not arise from their own quarrels, he thought himself bound again to make the declaration; and he hoped it would be perfectly attended to, and seriously remembered, that he there declared, on his honour, that out of the whole five weeks, the negociation had not been retarded more than 24 hours by any difference that had arisen between the duke of Portland and lord North: the difficulty that first prevented the arrangement from taking place, and which was the only bar to its being settled, had never, to his knowledge, yet been removed, at least he never had learned that it had from authority; therefore, until that obstacle was removed, the negociation was totally at an end. Mr. Fox said farther, that the proposed arrangement had been communicated where it ought to be so. The right hon. gentleman had said, delay the motion for two or three days, and then, if nothing is done, make your motion: he could not suppose the House would adopt that doctrine, for surely five weeks had been sufficient time to settle an administration in: if the present motion was delayed, at the expiration of three days, some other idle story might be propagated, and the House be desired to give two or three days, longer, by which means the great and important business before the House, would be delayed to the ruin, perhaps, of the state.

Lord *John Cavendish* adverted to the state of the country in 1757, more accurately than it had been laid down by the other Speakers. The present delay of an arrangement, he pledged his honour, did not proceed from any difficulties raised, or disputes between the two noble persons who formed the leading parts of the late coalition; the delay proceeded from some dark, hidden influence; but who was the cause of it God only knew! For his part, he knew not positively whom to blame, therefore he would not mention his suspicions; whoever the person was, God forgive him! the crime he was guilty of was of the blackest dye, and such as materially injured the country.

The Earl of *Surrey* said, when he seconded the motion, he did not do it as a friend or an enemy to the late coalition; he neither praised it, nor disapproved of it; but he did it as his duty, confident that if some administration was not fixed, the people would not merely assemble to have a more equal representation, but would assemble in all parts of the kingdom, and insist on knowing where the

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blame lay, that no administration could be fixed on, whose wisdom could relieve their distresses.

The motion for the order of the day being withdrawn, the original motion was carried with about four dissentient voices.

March 27. Earl Ludlow acquainted the House, that his Majesty had been waited on with their Address of Monday last, for forming a new ministry, which he received very graciously, and was pleased to return for answer "That it was his earnest desire to do every thing in his power to comply with the wishes expressed by his faithful Commons."

The Earl of *Surrey* said, he had full confidence in the gracious intention of his Majesty, and felt no small share of comfort from having heard so sacred a pledge, that a matter, which not only that House, but the whole kingdom, was anxious about, would speedily be settled. In case, however, no arrangement of administration should soon be made, he gave notice, that he would, on Monday next, move for an enquiry into the causes that had so long prevented an arrangement taking place.

Lord *North* said, his Majesty's message was so full of grace and goodness, that he thought it ought to be received with the utmost satisfaction and gratitude by the House. He trusted, that there would be no occasion to bring forward any such motion as that the noble earl had hinted at, but that the matter which the whole country wished for, would be concluded before Monday; at least, after they had been given to expect it from so high an authority, he thought it did not become the House to express the least doubt of its due performance.

*Debate in the Commons on the Earl of Surrey's Motion for a new Administration.*] March 31. About four o'clock Mr. William Pitt made his appearance in the House, when

The Earl of *Surrey* immediately addressed the House, and wished to know from the right hon. gentleman who had just entered, whether if he was apprised of any arrangement of administration, that was either formed, going on, or likely to be formed. If the right hon. gentleman could give the House any satisfactory information on that head, he would desist from bringing forward the motion, of which he had given notice; if not, he would take the liberty of submitting it to the consideration of the House.

Mr. *William Pitt* rose, not, he said, to make any direct answer to the noble lord's question, but to state a piece of intelligence, which he had to communicate to the House, and of which the House ought to be informed. Mr. Pitt then said, that he had that day, with his Majesty's gracious permission, resigned his office of chancellor of his Majesty's Exchequer. With regard to the question of the noble lord, it was utterly impossible for him to say whether any arrangement of administration was formed, or not, but his Majesty's most gracious message, in answer to the address of Monday last, had given him the fullest satisfaction, and convinced him, that any motion on the subject of an arrangement must at that moment be wholly unnecessary.

The Earl of *Surrey* found himself the more peculiarly called upon to proceed with his motion, by what had fallen from right hon. gentleman. The resignation of that right hon. gentleman must strongly enforce the necessity of the measure he had to propose. No persons being responsible for the direction of public affairs for upwards of six weeks back, was sufficient in itself to convince the House of the propriety of its taking some active share in the present alarming situation of things; and the stronger was that propriety apparent, when instead of an administration being formed since the address was presented to his Majesty, those persons who were transacting the common routine of office-duty were seceding and leaving the country totally without responsible or active ministers. The noble lord hoped it would be understood of him, that he was extremely nice in his opinions of the prerogative; and that no man was more jealous than he was of an unconstitutional interference with it. However the present situation of things had induced him to adopt an opinion which that situation alone, he was free to allow, could warrant; and which he would endeavour to qualify in the best manner that his invention would permit. The noble lord then pointed out the peculiar necessity there was for an administration at the present period. He stated that foreign courts would be jealous of holding an intercourse with us; that government stood engaged to pay one million and a half to the bank of England on the 5th of

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April, and they were already got to the 31st of March, not only without a minister at the head of the Treasury, but, as they had that day just learnt, without having any thing like official responsibility for the care of the public money. So that there was no person to raise the loan, to discharge the debt, nor any one to conduct it when raised. With regard to the army and navy, he would not go into that subject, but every body must wish for their reduction to a peace establishment. The next great matter was the completion of the commercial treaties, not yet settled, as well as of the peace negotiations; all in a state of incompleteness that was extremely alarming; and now as we had no government at all, he should not wonder if the ministers of foreign courts should refuse to treat with us any farther. His lordship mentioned the East India Company's distresses; he stated their capital, and that of a variety of merchants trading to the East Indies, to be four millions, and said the national credit must necessarily be affected, if the Company was not enabled to keep its faith with its creditors. He alluded to the large sum they stood indebted to the commissioners of customs for duties, and said, he understood, that the lords of the Treasury were willing to give the Company all the accommodation on their part that they possibly could, but it was not in their power to render them the assistance the situation of their affairs required. From these considerations, that House could not, in his opinion, too forcibly mark their anxiety to have an administration that would be responsible for the conduct of public business. He said, he had a resolution to propose, and he would wish to qualify it in such a manner, that it might not be employed as a precedent to countenance a future interference of that House with the prerogative of the crown. He would wish, if it was the sense of the House that it ought to be adopted, that it should be entered upon the Journals as arising merely from motives of necessity, and as what necessity alone could warrant. This resolution was to be the ground of a farther address to his Majesty, couched in terms dutiful and affectionate, at the same time explaining the necessity there was for his Majesty's forming an administration, in language as strong and expressive as his abilities would permit him to make use of. His lordship then moved, "That a considerable time having now elapsed without an administration responsible for the conduct of public affairs, the interposition of this House on the present alarming crisis is become necessary."

Mr. *J. C. Jervoise* seconded the motion.

Mr. *William Pitt* said, he rather wished to follow than to lead the sense of the House, but, since he had, so very lately, expressly laid it down as his opinion, that it was perfectly constitutional in that House to go up with an address to the throne on the subject of an appointment of ministers, he trusted he should not by any means, be thought to act an inconsistent part, if he took the earliest opportunity of declaring, that before the House adopted a resolution worded as that was, which the noble earl had just moved, it ought to be very seriously and gravely considered, in order that gentlemen might be certain there was nothing in it of an indecent nature, nothing that might give offence, nor occasion a false and a very different construction in the world from that which it was meant to bear; and that it might not be imputed to motives extremely opposite to those upon which it had been moved by the noble earl, who had very fairly and fully explained the whole of his intention, and which was undoubtedly perfectly unexceptionable. Mr. Pitt went on to comment on the wording of the motion, which he thought to be much stronger than the occasion justified. For that House to take upon itself to declare that its interposition was necessary, in a case acknowledged, on all hands, to belong constitutionally to the crown, was, in his mind, nothing short of telling the world the government of the country was at an end, and was a sort of resolution, which there ought to be the most cogent reasons imaginable for adopting, before that House should proceed to such a length. Having so lately received a most gracious message from his Majesty, assuring the House, that it was his Majesty's earnest desire to comply with the wishes of his Commons, and there not existing the smallest possible room for doubt that his Majesty was most anxiously in earnest in his desire to have an arrangement formed, he could not but think it would be in the highest degree disrespectful and indecent in the House to declare almost immediately upon the receipt of such a message, that their interference was necessary. After dilating on this idea, Mr. Pitt said, he hoped the noble earl, and the persons with whom he acted,



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would not even suffer such a motion to become the subject of debate, but would withdraw it.——While Mr. Pitt was speaking,

Mr. *Martin*, seeing two or three peers under the gallery, rose to order. A part of the House expressed some dissatisfaction, as Mr. Pitt was at that moment in an interesting period of his speech; but Mr. Martin would, nevertheless, do his duty. Mr. Martin said, he lamented as much as any gentleman could do, the disagreeable necessity of interrupting Mr. Pitt, or any other speaker; but he had spoken in private upon the subject to a great number of members of that House, and they had all of them, with a single exception only, said, he was in the right. He wished therefore that some of them would bear their share of the odium attending such a line of conduct. Their not doing him so much justice, however, should not deter him from steadily pursuing his purpose, and upon that occasion he could not sit down without putting a question to the chair; in doing which, he meant no sort of disrespect whatever to the Speaker. Did he purposely wink at the frequent abuse of their orders, in suffering strangers from the other House to come into the body of the House, or was it owing to the neglect of his officers?

The *Speaker* called Mr. Colman, the Serjeant at Arms, to the table, and desired to know why strangers from the upper House were suffered to come in below stairs, after they had often heard him give directions to the contrary.

The *Serjeant* said, they always told peers, when they entered the doors of the House, what the orders were; but if lords, notwithstanding, would sit down on the members benches, they knew not how to prevent them.

The *Speaker* bid them in future report it to him, whenever their remonstrances on this head proved ineffectual.

Lord *John Cavendish* observed, that by the present unsettled state of affairs, there were a number of distressing circumstances that came home to the feelings of every man; and as government was now without its functions, and in an absolute state of interregnum, the House was called upon to interpose; but this he wished to see done with every respect that was due to the sovereign, and to the constitution. Political necessity demanded that something should be done, and therefore he should be happy to coincide in any proper mode to relieve the country in its present distressful situation. His lordship said, he had a high respect for all that came from the throne, and was one of the foremost to credit a royal promise. Thus much he said in answer to what was insinuated against the supporters of a motion to accelerate the appointment of a ministry. The case, however, was now different from what it was at any former period; for this country was never in such a situation as it now stood; it was not like the æra of 1757, alluded to in a former debate, for the kingdom stood at this day without even a chancellor of the Exchequer. Although there was at that time no administration that looked upon itself as permanent, yet ministers consented to remain in place for a time, and to conduct the public affairs. Thus the business of government went on, and the mischiefs and inconvenience that were now so much complained of, were scarcely felt at all. All that the noble earl had stated in illustration of the necessity for some farther step to be taken by that House, was undoubtedly true; the difficulties and distresses of the country encreased every hour. Who it was that had been the cause of so long a delay, he knew not, but they had much to answer for. He was of opinion, that the Address would be a much more eligible mode of proceeding than the resolution proposed by the noble earl; and therefore he expressed his wish that the motion might be withdrawn.

Lord *North* was also of opinion, that the resolution was not consistent with the King's most gracious answer to the Address presented on a former day. He did not think the word interposition was delicate enough for insertion, and could not reconcile to his mind the adoption of any motion that had such an expression in it. An Address would meet his idea much better than such a resolution, though he was inclined to think his Majesty's gracious disposition would supersede the necessity for either. The noble earl had clearly stated, that he rested the whole of his intention, both with regard to the present motion, and that which was meant to follow it, on the pressing necessity of the times; and that it was rather intended with a view of assuring his Majesty of the cordial co-operation and support of that House, than with any design to force the prerogative, or intimate a doubt of the sincerity of the royal intention, so graciously declared in the message delivered

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on Wednesday last. But this would not appear from the mere wording of the motion; nor was it the sort of measure, at all consonant with the practice and forms of the House, or with its constitutional functions. Besides, he saw another objection to the motion, and it was this: it implied, that for six weeks past there had been no responsible ministers: this was not the fact; there had been ministers, who, till they resigned, were responsible for the conduct of government. He did not mean to say they were chargeable with the extraordinary state in which the public affairs had stood, or that they were not, but responsible as ministers for every part of their conduct they undoubtedly were. The matter was, whether it would be proper again to apply to the throne to appoint an administration, and whether the mode should be by a resolution, antecedent to an address. He was of opinion that the Resolution became unnecessary, as the Address would express every thing; but he was cautious of fully expressing even his approbation of the Address. He wished, however, that the noble lord would withdraw his motion for the Resolution, lest an idea of disrespect might be conveyed in adopting that mode of expressing the desire of the House.

Mr. *W. Pitt* declared, that so long as he held any employment under the crown, he looked upon himself as responsible to parliament and to the people for his conduct. He wished not to conceal, nor to do away any one act during his official administration, by resigning the place he lately held. His desire—his ambition was, that his conduct, as Chancellor of the Exchequer, should meet every investigation; should be canvassed and scrutinized. He was conscious that he acted uprightly, and therefore had nothing to dread. He repeated, that he was responsible so long as he continued in office, and that he shadowed himself not from enquiry under the idea of retirement.

The Earl of *Surrey* was willing to comply with the wishes of the House. His intention was founded merely in a desire to rescue the country from its present situation, and not with any intent to promote the views, or support the interest of any party. He declared, that he came down to the House without even so much as asking a friend to second his motion, and that he did not know who meant to do him that honour, until an hon. gentleman had risen for the purpose. As to the Resolution proposed, he was willing to withdraw it. It was meant merely as a leading principle to the Address; but as it did not seem necessary or requisite to the business, he should withdraw it. He then moved, "That an humble Address be presented to his Majesty, to express the dutiful and grateful sense which this House entertains of the gracious intentions expressed in his Majesty's Message of the 26th instant: To assure his Majesty, it is with a perfect reliance in his paternal goodness, and with an entire deference to his royal wisdom, that this House again submits to his Majesty's consideration, the urgency, as well as importance of the affairs, which require the immediate appointment of such an administration, as his Majesty, in compliance with the wishes of his faithful Commons, has given them reason to expect: to assure his Majesty, that all delays in a matter of this moment have an inevitable tendency to weaken the authority of his government, to which this House is not more bound by duty, than led by inclination, to give an effectual and constitutional support: To represent to his Majesty, that the confidence of foreign powers may be weakened by a failure of the ordinary means of a constant communication with them—that the final execution of treaties, that important and decisive arrangement of a commercial and political nature, in consequence of a late revolution—that a provision for the heavy expenses, and the important services voted—that the orderly reduction of the forces, and the expenses of a new establishment—that the settlement of national credit, seriously affected by the critical state of the East-India Company;—that these, with other important concerns, do severally, and much more collectively, require an efficient and responsible administration, formed upon principles of strength and stability, suited to the state of his Majesty's affairs both at home and abroad. And this House most humbly repeats its supplications to his Majesty, that he will take such measures towards attaining this object, as may be agreeable to his own gracious disposition, and quiet the anxieties and apprehensions of his subjects."

Mr. *J. C. Jervoise* seconded the Address.

Sir *Henry Fletcher* rose and stated the particular situation of the East-India Company, which called for immediate relief. He also adverted to the other topics stated in the Address, and argued upon their importance and urgency.

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Sir *W. Dolben* allowed that this country was at present in a very distracted situation, and that the public affairs required something effectually and speedily to be done. Arrangements, he said, had been talked of, which wore a new face each day. The noble lord in the blue ribbon had, on Monday last, said, that the arrangements to be settled between him, a noble duke, and the right hon. gentleman, who now sat near him [lord North and Mr. Fox sat close to each other] had not been impeded by any difference of opinion with regard to those arrangements. In order properly to understand the noble lord's meaning, it was necessary that the House should have something like a definition of the word arrangement. From all that he could learn, this political try-syllable was the obstacle to that which the Address moved by the noble lord intended to do away; and, therefore, he wished to hear from the opposite side of the House, how, and in what manner, it was to be construed. The great lines of policy to be pursued by those who sought to serve their country, he heard, were intersected by the desire of uncontrolled patronage, by the ambition of appointing to all the inferior departments of the state. The difficulties of forming an arrangement, he understood, lay in a struggle to take from the crown, even the disposition of the domestic servants of majesty, who should be lords of the bedchamber, grooms of the stole, &c. &c. thereby making majesty a mere cypher of royalty. He loved his country as dearly as any man, and admired its constitutional government, but he looked upon that constitution and that government to be founded in the inseparable union of the royal prerogative with the legislative authority; and therefore he should never wish to see any interposition of the one that might destroy the other.—If motives of such a complection swayed the actions of those contending for power; if such petty considerations were the causes of an arrangement not being yet formed, he thought the censure of the House could not be too severe on those who were the authors of such a misfortune. But, perhaps, it might be owing to a difference about measures, for he was sure that there must have been very great and mutual concessions, or one of the parties must have totally abandoned former principles. On the other hand, if it appeared that any secret influence was used to oppose the wishes of the House and the desires of the public, he would be equally ready to condemn that influence: but he much feared that the former was the case, and that a certain noble duke, or rather the friends and advisers of that noble duke had retarded the formation of the ministry for the paltry reasons he had already mentioned. This he had merely from report; but it was a report that many concurring circumstances seemed to justify. If such were the motives of any person's conduct they were truly detestable. He called upon the noble lord to declare, if these were not the causes of the delay.

Lord *North* solemnly protested, that no such causes had prevented the arrangement. He, and those with whom he had the honour to coincide in sentiment, were above such low considerations, such political meanness. As near as he could recollect, his words on Monday last were, "that any differences of opinion respecting an arrangement that had occurred between a noble duke, a right hon. gentleman near him, and himself, had never been the cause of an administration not being appointed." The fact undoubtedly was so; not that he meant to say there had been no difference of opinion, as he said on Monday last; there certainly had been a difference of opinion, which had it remained, would have been material, and might have impeded if not prevented an arrangement on their part, but that had been got over. With regard to what the hon. baronet had now thrown out, he had heard a great deal of idle report, equally vague and ill-founded, of different kinds; but he had never before heard, even a report, that any men whatever had been so indecent, and so reprehensible, as to presume to dictate so harsh a measure as that suggested by the hon. baronet. A consideration of who should fill the petty and subordinate offices had never been a topic with the noble duke, the right hon gentleman, and himself; it never could have been a subject of dispute with them; but to have made it a matter of bargain with the crown, in the manner stated, he would not scruple to pronounce, would have incurred a degree of disgrace, that never should mark his conduct; and he would do the noble duke and the right hon. gentleman the justice to declare, he sincerely believed they would not only be as incapable of it as himself, but as much hurt, as he confessed he was at that moment, to have it suggested that such a proof of unworthiness to fill any office whatever, could

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have been evinced by them. Whoever the hon. baronet had his information from, had misled him egregiously. The fact had not, and he was sure never could have happened. Whatever difficulties there had been, were of a different nature indeed. With regard to the other sort of arrangements hinted at by the hon. baronet; those for the measures necessary to be adopted to meet the exigencies of the times, so well described in the Address then under consideration, it was impossible for him, the noble duke, and the right hon. gentleman to have had any difference of opinion on such a subject. Uninformed as they at present stood, as to what had already been done upon those topics; ignorant of the facts on which each exigency rested, and how far any measures were in train for those services and those occasions, they could not be expected to be able to pronounce what steps would be most advisable to be pursued. His lordship stated the want of an administration as a public evil, and said, undoubtedly the Address was well founded in all the various particulars it enumerated; whether the time was come for the House to go up to the throne with such an Address, the wisdom of the House would determine. The causes that delayed the formation of a ministry, he apprehended to be of such a delicate nature, as not properly at this time to meet the investigation of the House; but this he could answer for, that the blame lay not with him, with his right hon. friend next to him, nor with the duke of Portland. They lay, perhaps, in some hidden cause, which as probably in his conjecture he might be wrong in attempting to ascertain, he would beg leave not to state.

Sir *W. Dolben* did not seem very well satisfied with this declaration. He considered the Address as infringing on the constitutional prerogative of the crown, for political purposes that were not calculated to serve the people. He expressed it as his most heart-felt hope, that as they had taken from the crown all influence within the walls of that House, which was very proper, they would not take from his Majesty all influence within the walls of his own palace, which would be very improper. He had not mentioned petty and subordinate offices, but offices of a domestic nature; he meant those servants of the crown, whose employments, though neither petty nor subordinate, necessarily kept them near the royal person. It had been reported, that the noble lord, the noble duke, and the right hon. gentleman insisted on naming all officers of that nature; and if the fact were so, he thought they acted extremely wrong. The independent country gentleman, who had supported the noble lord in the blue ribbon during his administration, had done so from an approbation of his principles, and not from the influence of his power, a circumstance which, happily for them, they had enjoyed a glorious opportunity of evincing; the noble lord therefore, if he expected a continuance of their support, must act in a manner consistently with his former character and principles.

The *Lord Advocate* of Scotland, thought that the assurances from the throne were strong, and ought to be relied on, and that the House would appear to act most hastily if they interfered before a decent time was given to fulfil the requisition of one of the most important addresses that was ever carried up from the Commons to the throne. The learned lord adverted to what was thrown out with respect to secret influence, which he reprobated in very strong terms. He allowed the necessity that called for an administration. As to the Address, it not only met his objection in this point, but in a still more forcible manner, as to its constitutional justice. He looked upon it as infringing on the royal prerogative as much as the motion which had preceded it: but, divested of these exceptions, it had another: it was not grounded on any fact ascertained to the House which justified such a proceeding. The resignation of ministers had already produced an Address, and to that Address his Majesty was pleased to return a satisfactory answer. The House, however, as if they seemed to doubt the integrity of the royal intention, hastily proceeded to cast an oblique censure upon it, by following it up with another Address. The learned lord said he was confident that his Majesty's intentions were to comply with the wishes of the Commons, and that nothing sat nearer to his heart than the appointment of an administration which should have the confidence of the people. He felt considerable difficulty as to the delicacy of expression, which the argument he was about to use required. He doubted his own ability to convey to the understanding of the House, what weighed most with him as a reason why the Address



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now moved appeared highly improper for that House to resolve on at so very short a distance of time as had elapsed since Wednesday last. Indeed, the feelings, that most forcibly impressed his mind, could not consistently with the wise forms of parliament, be expressed in words; but he would endeavour to give them such an utterance as should render them intelligible. The House had that day heard, that a right hon. gentleman near him, of whose extraordinary abilities and incorruptible integrity no man had a fuller conviction, and for which no man felt a higher degree of respect than he did, had just, within two hours of the moment that he was speaking, resigned his office of Chancellor of the Exchequer; suppose it should have been the anxious wish of the highest authority in the kingdom, to have placed the right hon. gentleman in question at the head of the government of this country. Suppose that the completion of this wish, should never have been abandoned till that day. In that case the House would surely see, that a matter of perfect novelty had just occurred. A matter that must necessarily give the whole business of an arrangement a new turn! Would the House, then, under such peculiar circumstances wish to press indecently forward? To deny the constitutional prerogative its free scope? Or would not gentlemen, on better recollection, think it more respectful not to be so precipitate but consent to check their speed, and reserve the measure now proposed, or any other that might be thought necessary, a little longer. Since Wednesday last, little, very little time had elapsed. Had there been any culpable delay? Why not wait a day or two longer? A day or two might justify what was now in his opinion, at least, subject to the charge of much doubt as to its propriety, if not to an absolute and direct impeachment, as a matter neither necessary nor justifiable, unless somewhat of stronger argument could be adduced to prove its greater necessity now, than had been adduced to prove the necessity of any such measure last Monday. He therefore thought that it was his duty, from a conviction in his own mind, that an administration should be speedily formed, to object to the motion for the Address; but as every thing of that nature deserved respect, he should not negative openly what the noble lord proposed, nor put it out of his power to bring the matter on again, if the necessity of the time demanded it; and therefore he should move the order of the day.

Sir *Harry Hoghton* paid many compliments to Mr. Pitt, and lamented the political loss to the nation, which must be felt on the resignation of so able, so eloquent, and so virtuous a senator: but said it was his hope that the right hon. gentleman would still remain "a jewel in the mouth of the law." He reminded the House, how very lately that good and gracious message from his Majesty had been received, submitted to their own feelings and candour, whether they would not act too precipitately, thus early to vote an address similar to that now moved. He reasoned on the wish that every gentleman must feel to avoid any measure, that carried with it even a shade of disrespect to the crown; and as the present address had, in the course of their debate, been so construed, he thought that a sufficient reason for wishing to postpone it for the present; he therefore seconded the motion for the order of the day.

Mr. *Perceval* said, if the order of the day had not been moved, he meant to have proposed an amendment to the original motion, the purport of which would have been, "to assure his Majesty, that the House would countenance and support any ministers he should be graciously pleased to appoint, so long as their conduct should entitle them to the confidence of the country." This amendment, he thought, ought to be inserted, as it would clearly evince that the address did not proceed from any party motives, or that the House wished to point out any particular set of men to his Majesty of whom to make choice.

Mr. *Fox* next rose, and declared that he by no means saw the necessity of the amendment, mentioned by the hon. gentleman; the address, in his opinion, fully expressed what the hon. gentleman wished; it said, that the House was bound by duty, and led by inclination, to give an effectual and constitutional support; surely that was saying every thing that could be wished; it would be needless to say more—indeed it would be wrong to agree to support men before they knew who those men were.

The learned lord had observed, that the resignation of Mr. Pitt ought to be a means of postponing the address; at the same time insinuating, that the great obstacle to forming an arrangement was now removed. Did the learned lord wish

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to say, that Mr. Pitt's remaining in office for the last six weeks was the cause why no arrangement could take place? If he did, the blame undoubtedly lay with Mr. Pitt; but he by no means believed that to be the case; for his own part, he conceived the resignation of that right hon. gentleman neither retarded nor expedited the forming an arrangement, for he had, in fact, been considered out of office these six weeks; nay, his own words, a considerable time since, were, that he only remained as a *locum tenens*, to do the business until some other person was appointed: surely, then, his having resigned this day could be nothing unexpected.

The learned lord had desired the motion to be postponed for a few days. Would the learned lord assign any reasons for putting the address off; would he give the House any reason to think an arrangement was about to be made, and in such forwardness, as to promote a ministry in a few days; in fact, would he give the House any reason whatever why an arrangement had been so long delayed? If he would not, he must say, that the learned lord's inexpressible reasons were such, as by no means warranted the House in delaying the address moved by the noble earl. The situation of the country so truly painted by the noble earl, called aloud for an administration to be formed with all possible speed, and the learned lord himself had said, that any unnecessary delay certainly was culpable. Surely six weeks had been sufficient time to form an arrangement in; therefore it was clear that some persons were culpable, but who they were, he was not warranted in saying; yet he would persevere in what he mentioned on a former occasion, that those persons were culpable who gave his Majesty advice to delay the business; and on whom could he fix that culpability but on those who had access to his royal person?

With regard to the right hon. gentleman's responsibility, he was glad to hear his noble friend in the blue ribbon touch upon that point. Had not the noble lord spoken in that manner to the first motion he meant to have done so. As long as the right hon. gentleman held his office, so long he certainly was responsible: not that he meant to charge him as the cause of the delay of not appointing an administration for so long a time—a matter which the country felt severely! He had no inclination to prefer an accusation to that quarter; indeed, he was neither ripe to acquit, nor ready to condemn; without proof he could say nothing one way or the other. With respect to the general argument of the learned lord, if it applied at all, it applied in a way directly opposite to that in which it had been used. All the learned lord had said, as well his inexpressible reasoning, as his other reasoning, went rather to shew that the address was necessary, than that it was unjustifiable. The learned lord had said, if there had been delay—if there had been delay?—had there not? What did all the world complain of?—But then, said the learned lord, if there has been culpable delay? Undoubtedly the delay was culpable. Why had that House voted their address of Monday, but because they thought the delay culpable? Why for a moment entertain the present motion, but because the still longer delay appeared to be still more culpable? There was no doubt of the fact; the only question under the present circumstances was this: would it not be wise to act unanimously, and for that House to avoid as much as possible the appearance of any thing like a contention of parties? For this reason he deprecated a division. He earnestly conjured the House not to divide; but rather to withdraw the motion than let it go to a division. If either the learned lord or the right hon. gentleman would declare, nay, if they would hint only that they believed an arrangement would speedily be formed, or if they would say a motion similar in purport to the present, would be agreed to by them, if no arrangement took place in a day or two, he would by all means advise the noble earl to withdraw his motion. On the present occasion, however they might differ on other questions, he was persuaded there was but one opinion; where, therefore, there was a real unanimity, he wished most earnestly to avoid the appearance of dissention.

Having argued this very strenuously, Mr. Fox took notice of what sir W. Dolben had said in his first speech. He observed, that the hon. baronet had called for more than insinuation to support the charge of secret influence. If the hon. baronet would recollect what had passed last Monday, he would have remembered that he had much stronger evidence of the existence of secret influence than bare insinuation; he had self-confession. That which suspicion had only glanced at

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heretofore, boast and exultation had avowed. He had learnt more than ever he knew before, and, in fact, more than ever he expected to have heard; he had learnt that a privy counsellor, who was not a minister, might give his sovereign advice, and not be ostensible for the effect that might be produced by it. Surely the House could not agree to such an absurd, ridiculous, and dangerous doctrine; indeed it was an insult to their understanding, but it had been exultingly mentioned by a right hon. gentleman (Mr. Jenkinson) on Monday last, and the only excuse he made for it was, that he never gave any but good advice. How was it to be known whether that advice was good or bad, but by the effect produced? The effect was the only criterion he could judge by, and if that right hon. gentleman had given his sovereign advice in the present instance, he was the person culpable. He knew, he said, perfectly well, that it was a difficult matter to prove to the House the culpability of a person in such an affair, as private conversation could not be called for, nor could the secrets of the cabinet be divulged. The noble lord (North) near him had been called on by that right hon. gentleman on Monday last to declare, whether he ever found his schemes frustrated by a secret influence? and he had declared that he did not. This might be easily accounted for; the right hon. gentleman in question was a known friend to the government under that noble lord, as the measures it pursued were consonant to his ideas and wishes. But what would the consequence be, if that right hon. gentleman was suffered to give his sovereign advice without being responsible? When an administration might be in power that was of a different way of thinking to him, what a predicament would they find themselves in. Their schemes, their plans, formed with the best intent possible, all frustrated, owing to advice given by a person by no means responsible for the effect of his advice. What could an administration do in such a case? Why, in his opinion, they would have no other alternative than to signify their disapprobation to the measures by a resignation of their offices. That was the only step a virtuous administration could take; but he sincerely hoped, that such steps would be taken as totally to preclude any thing of the kind happening in future.

The public were led to believe several things to the prejudice of himself and his friends, by a number of arrangements that daily appeared in the public papers. How those arrangements came to the papers, or who formed them, he was totally ignorant; he could, with a safe conscience, say they were, to the best of his knowledge, erroneous; at least, he knew nothing of such arrangements. And with respect to the conditions of insisting upon naming all the petty arrangements of state, (the persons belonging to his Majesty's household) it was too absurd an idea for any person to suppose the noble lord (North) could be guilty of it; and he could, with equal truth, say, that the noble duke (of Portland) never had such an idea. He was in hopes, that as the whole House seemed perfectly agreed on two grand points; first, the necessity of an administration: and secondly, that the appointment of that administration should be such as was most consistent with the dignity of the crown, that there would be no division. This he must again urge to the House. Unanimity, however desirable at all times, being never more requisite than at present, he therefore by all means wished the House not to divide, but cordially to agree, as that would be one great means towards expediting the business so ardently wished for.

Mr. *Thomas Pitt* said, he could by no means see in the delay that culpability so warmly expressed by the right hon. gentleman. He begged the House to recollect that the address had only passed on Monday, and his Majesty on the Wednesday following had sent a most gracious message, that he would at all times be happy to do every thing in his power to comply with the wish of his faithful Commons. Surely, after his Majesty had so strongly complied with the prayer of the address, it would be scarcely decent to carry up another at the end of four or five days, hinting, that they had doubts or jealousies of the truth of his Majesty's answer. The noble lord (North) had mentioned that there was no insurmountable difficulty that had prevented the arrangement taking place in the negociation between the coalescing parties: he wished to know particularly about that matter, for he did not rightly understand the noble lord. If there were no insurmountable difficulties, how came the arrangement not to take place? Surely the secret influence so much complained

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of, had not been the sole cause of the delay so much reprobated; there certainly must have been some other kind of delay, some culpability in another place. The hon. gentleman then touched on the coalition: it appeared strange to him, that persons of such opposite opinions should ever agree together; they differed so essentially on almost every grand constitutional question, that it was almost impossible for them to act together. Either the noble lord must have given up his political opinion to Mr. Fox, or Mr. Fox to the noble lord, or both parties have made concessions to each other; therefore it would be right that the nation should know which was the fact. He was against the address at present.

Mr. *W. Pitt* made a public declaration, that he was unconnected with any party whatever; that he should keep himself reserved, and act with which ever side he thought did right. He would abide by the declaration he made on a former occasion, that he would take no active part either for or against any party, but would be guided totally by the measures that were pursued; and it would be with the utmost reluctance that he should oppose any administration whatever; neither would he do it unless he was convinced they were acting wrong. In reply to what had been said about his responsibility, he declared, he was the last man in the kingdom holding the principles that he had repeatedly avowed in that House, and meaning to act up to those principles in every possible situation, who would for a moment attempt to argue, that persons holding offices were not responsible for every part of their public conduct. Undoubtedly they were, and he held himself responsible to the very hour of his resignation; at the same time, he trusted, that it would be admitted the extent of the responsibility was to be determined and governed by the peculiar circumstances of the times. If it should appear hereafter, that he had, on any occasion, within the past six weeks, done what he ought not to have done, or left undone what he ought to have done, or, in fact, neglected to promote the public interest, where he could have promoted it, he was ready to admit his culpability. With respect to the motion before the House, he really thought it too precipitate; there had been scarce time since his Majesty had given his gracious answer to form an arrangement; he could wish that unanimity should prevail, and that the Address might be withdrawn without a division. He would not pledge himself to the House that such an arrangement would positively be made as the former Address required, yet he thought an arrangement would take place in the course of a few days, therefore he could wish they would wait for it, and if they then should observe any culpable delay, the motion should have his hearty concurrence and support. He would not pledge himself to abide by the exact words, but he certainly would vote for an Address to the throne to know the cause of delay.

Mr. *Fox* said, he was glad to hear the right hon. gentleman say so much. He was certain his noble friend by no means wished to push the motion, nor differ about particular words. The noble earl had done his duty in making the motion, and he made no doubt would readily withdraw it if he saw any reason to think that an arrangement was in negociation that would answer the purpose required.

Mr. *Martin* said, as the noble lord had declared, that he and his new ally differed on many grand points, he thought it would be of service for the House to know on what points they did agree, as they formerly had disagreed on almost every point; the coalition was strange and unnatural; it was reprobated by most people without, and laughed at by most within.

Lord *North* said, that notwithstanding the severe reflections cast on the coalition, it would be found that neither party had given up their sentiments, and yet they could act together for the public good. The right hon. gentleman and himself undoubtedly disagreed on many great points, and as they were well known to the House there was no occasion to repeat them; the points had often been mentioned; and if the hon. gentleman meant to say that no persons could form an administration who did not perfectly agree on all points, he would be bold to say it was impossible to form an arrangement; for there were not twelve men to be found who had not materially disagreed on some great point or other.

Sir *W. Dolben* desired to be understood by the noble lord, that what he said went to a wish that he might never see the day when the lords of the bedchamber were to come down to the House either to browbeat or support a minister. He coincided perfectly in the idea of withdrawing the



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motion for a few days, and thereby giving time to the sovereign to comply with the desires of the House.

Mr. *Fox* got up and defended himself on the coalition between him and lord North. He said, that if none were to be admitted to take a part in the administration but those whose political sentiments never disagreed, it would be difficult indeed to form an administration. The motives which had induced him to agree to the coalition, which an hon. member took upon him so strongly to reprobate, were, that nothing but a coalition of party could remove the political obstruction given to the business of the state. Was not such a coalition therefore to be sought? He recollected the time when every man expressed his hope that jarrings and bickerings would cease, and those of opposite interests join for the benefit of the common-weal; but no sooner had that desirable event been accomplished, than a new complaint arose, and took the unconstitutional form of a coalition for private interest, because there was a junction for the public good. With regard to the principal cause of difference of opinion between himself and the noble lord, that was now at end. On other points they still differed; but in order to convince the hon. gentleman how much their difference amounted to, he would assure him that they differed not more than the present Lord Chancellor, and the present master-general of the Ordnance; the secretary of state for the southern, and the secretary for the northern department; or than the hon. gentleman himself, and the learned lord who sat below him, had differed in opinion upon great constitutional points. He contended, and ever should contend, that this country could only flourish, her glory be maintained, and her commerce preserved by the unanimity of parliament; and as that was a maxim not to be in fair reasoning contradicted, sophistry could only send it abroad, that a junction of opinions, hitherto opposite, was not the proper means to effect so desireable a purpose.

Sir *C. Turner* reprobated, in strong terms, the coalition between the noble lord and his new made proselyte. He said in this day's idea of that party, they wished to take from the sovereign even the assistance of a private friend. The King was not to have any man to whom he could unbosom himself in private, or on whose advice he was to rely in case of need. The common rights of a subject were to be denied to him by the new doctrine of the new coalition. This was going beyond the constitutional limits, and so directly opposite to those principles, hitherto held sacred by the noble lord in the blue ribbon. The country was in a state of distraction, but who was to blame—the noble lord in the blue ribbon. It was he who supported that war to which we owed all our misfortunes, and he should ever consider him and his colleagues in office, the source of all our political misfortunes.

Mr. *Burke* rose, and, in a full, clear, and manly way, vindicated the parliamentary conduct he had observed for a period of eighteen years: he had constantly voted on the same side with those noble and firm supporters of the constitution, the house of Cavendish, and he trusted he always should; he had been blamed for joining in the coalition; he made no doubt but a time would come when he should have it in his power to convince those persons that now railed so bitterly against it, that they were entirely wrong, and were doing more hurt to their country than they imagined; it was absurd to say that the coalition could not act because they differed on some points; had he not differed, on the Middlesex election, respecting equal representation, &c. with his right hon. friend (Mr. Fox), and yet would any man say they could not act together on other grand points? Undoubtedly they could, and it would be found that coalition was the only means that could be resorted to in order to make an administration on a firm and broad basis.

Sir *R. Symons* said, the noble earl, who made the motion, had manifested true Christian forgiveness; for he formerly threatened to move for the expulsion of the noble lord, and now he was for having him brought in again. As to the present coalition, he could not help mentioning, to their honour, a report which he had heard that day; it was, that they meant to serve their country without receiving the emoluments of office; if that was true, they might depend on his warmest support; if otherwise, he thought the coalition so unnatural, that he should deem it his duty to watch them narrowly before he gave them any support.

The Earl of *Surrey* answered this, by saying, whatever Christian forgiveness the hon. gentleman might give him credit for, the fact was, he had exerted his endea-

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vours to turn the noble lord out of office last year, because he then thought his measures tended to the ruin of the country; he was now anxious for an administration, without any consideration who was to form it, because he was convinced the country would be ruined unless one was soon appointed.

Mr. *Martin* said, since it had been confessed, that the noble lord and the right hon. gentleman differed in many great constitutional points, he was persuaded it would afford much consolation to that House if they would state in what they were agreed.

Colonel *Hartley* spoke in favour of the motion, and wished, that although it was understood to be withdrawn now, the noble earl would, if the arrangement was not formed in the course of a few days, renew it, and then it would be almost impossible for any person to be against it, as all sides allowed the necessity there was for an administration, to prevent the ruin that threatened this country.

The Earl of *Surrey* said, he had no objection to withdrawing his motion on the conditions mentioned by Mr. Fox; but he had not yet heard any person assert that an arrangement was likely to be formed; therefore, unless he could hear something of a promise that an administration would be formed in the course of the week, he should persist in his motion.

Mr. *W. Pitt* said, he had not, nor would he pledge himself to the House that there would be an arrangement formed in a few days; but he naturally supposed there would, from the nature of his Majesty's Message, which so unequivocally declared that he would comply with the wish of his faithful Commons.

The Earl of *Surrey* said, he should consent to withdrawing his motion; but should on Thursday next insist on making it, especially as he was promised support from all sides.

The Speaker then put the question, that the Address be withdrawn, which was agreed to.

*Debate in the Commons on Williams's Divorce Bill.*] March 28. The House having resolved itself into a Committee on this Bill, a conversation took place on the subject of the clause, inserted in the upper House, on the motion of lord Ashburton; the purport of which was, that the children born after the separation of the husband and wife should not be entitled to any share of the husband's property, unless the said children should be able to prove their legitimacy.

Mr. *Fox* arraigned this clause as an act of injustice to the children, inasmuch as it robbed them of their claim to a provision from Mr. Williams, without so much as hearing them, and then condemned them for not asserting a claim and making out a title which their friendless and deserted infancy disqualified them from doing. He was ready to admit that there was an appearance of hardship on Mr. Williams; but it must be remembered, that though the adultery of his wife was clearly established, it by no means followed, that the illegitimacy of the children was in any degree proved; nay, it was by no means the subject matter of the Bill, the object of which was, simply to release Mr. Williams and his wife *à vinculo matrimonii*: the parties applied to the legislature for that relief which the law could not give: the law could pronounce on matters of fact, and determine questions of illegitimacy, &c. but it could not dissolve the *vinculum matrimonii*. It was therefore necessary that the legislature should interfere to supply the defect of law, and dissolve the marriage; but there was no want of power in the law to determine questions about legitimacy; and, therefore, what ground could there be for calling upon parliament to bastardize children whom the law was fully competent to declare illegimate, on proper evidence? He did not mean to add to the misfortunes of Mr. Williams; and therefore he would not object to the introduction of a Bill, which should perpetuate the evidence on which that gentleman supposed the illegitimacy of the children might be proved; such a Bill would guard against the injury he might otherwise sustain by the death of any of the witnesses, before the children should arrive at full age. In the Bill there were three parties concerned, Mr. Williams, his wife, and the children. The two first were only before the House, and therefore, though he was ready to give sentence, as far as that sentence could affect them, he was by no means prepared to say that the children were bastards. He held it to be an inherent and indispensable principle of justice, that no persons whatever should be deemed guilty of an offence, by any judgment of authority, whether pronounced by parliament, or by any other court, without having been heard in their de-

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fence, and without having been afforded an opportunity of combating the evidence adduced against them, in the manner that evidence usually was combated on trials, where the parties accused had an opportunity of being in court and making their defence. In order to render his meaning more obvious, he would suppose, that he was criminally indicted and tried for murder, the blackest of all others in the calendar of crimes; and that the indictment stated, and the evidence adduced, proved, in the most satisfactory manner, that he, as B. was aiding and abetting A. in the crime alledged, that he was present at the murder, that he put the pistol or weapon with which the fact was perpetrated into A's hand, that he held the person murdered while A. killed him, and that he was tried for the fact, condemned and executed. In this case, as far as the transaction affected him, the whole was consonant with the strictest justice; his execution no man could say had been unfair, nor could there be a single argument raised to question the equity of any part of the proceeding. But would any man say, that therefore A. stood condemned. Would it be maintained for a moment even, that because A. had been incidentally tried when B. was tried, that therefore A ought, without farther proceeding, to be likewise executed? Undoubtedly not. A. would be entitled to a separate and distinct trial, in order that A. might hear his accusation, combat the evidence, and make his defence. If, then, in a criminal case this was necessary, how much more so ought it to be adhered to in a civil one! In a case of landed property, in the case of a family estate, and, in short, in such a case as thatof persons upon whose proved legitimacy or illegitimacy, depended the validity of their claim to family honours, titles, and fortunes! This was exactly the case of the children to be bastardized by the clause then under consideration; it surely, therefore, behoved the justice of the House to take particular care, how they proceeded to give their sanction to a clause which deprived innocent infants of their estates, and declared them infamous, without having heard it proved that they were so. He had ever been of opinion, that a collusion between a man and his wife to prove the adultery of the latter, after that adultery had been committed, ought not to be any bar to the passing of a Divorce Bill. He knew a very high law authority had held the reverse, and on that single ground had not only opposed several divorce bills, but in one case of flagrancy had been able to reject the application for a divorce, and throw out the Bill. This he thought a very great hardship on the injured husband, because he thought the facility of his producing evidence of the adultery of the wife, however obtained, no objection to his claim for relief: but the moment he had taken up that opinion, he found it necessary to take care to confine it merely to the husband and wife, and by no means to suffer it to extend itself to the children. And the reason of his feeling the necessity of this precaution, arose from considering how extremely hard it would be to suffer children to be bastardized, deprived of their birthright, and rendered infamous, merely because their father and mother had obtained a legal divorce. That divorce might have been (as he was ready to allow it should be) obtained by a collusion between the father and mother; and, therefore, a collusion come into by them, ought not to be a ground for bastardizing the children; or the divorce might have been obtained by perjured evidence, by false evidence, or by negligent evidence; which, where there was no party to combat it, as must be the case with helpless children, might have the full effect of the best possible evidence. Upon all these reasons, he thought it unjust to say, in a Bill of that nature, more than that the man deserved the relief he prayed for, and should have it. If the husband wished to bastardize the children, and was convinced they were spurious, let him resort to the courts below; they were open to him. He denied that the question of non-access had been clearly established, and for that reason also, he thought the House would go far beyond justice, if they declared the children bastards. He took notice of the vulgar error that prevailed, that non-access could not be proved, unless it could be evinced that the husband or his wife were beyond sea while she bred or bore children. That error, he conceived, arose merely from the extreme difficulty of proving non-access otherwise. Mr. Fox, in the course of his speech, expressly declared, he had no motive whatever for taking the part he did in the business, but a wish that those who were not before the House, and could not defend themselves, might be done strict justice to. He concluded by moving, that the whole clause be rejected.

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Mr. *Burke* opposed the motion. He argued that the illegitimacy of the children was as clearly established as the adultery; and thence he inferred the propriety of bastardizing the offspring, in justice to a much-injured husband, who would otherwise be subjected to great inconveniencies for 21 years; and perhaps have, afterwards, the additional mortification of finding it put out of his power, by the death of his witnesses, to prove the children illegitimate: he defended the clause in question, and said, it would not put the children in a worse situation than they would be without it; for being declared illegitimate, either by law or by a special act of parliament, they must in either case, be deprived of any claim on Mr. Williams. He went farther, in order to shew what hardships that gentleman must suffer, if the clause should not pass. It was a maxim in law, 'pater est quem nuptiæ de-'monstrant;' but he would not generally subscribe to that maxim: for when a woman lived in open adultery, and had children, the probability in reason was that they belonged to the adulterer, and not to the husband, even though the latter should occasionally have access to the wife. With this opinion, he must think that Mr. Williams ought to be pronounced by the Bill not to be the father of children, whom no one in that committee believed to be his. —Mr. Burke went on to state the arbitrary nature of our law respecting parental authority, and the disposing of landed property, not dividing it equally among the children of a parent, but giving it to the eldest son. He entered into a curious but abstruse disquisition of the nature of our laws and customs with regard to husbands and wives, and their power over their children. He mentioned the municipal law respecting divorces; and stated that the Romans did not marry, nor understand the economy of marriage for a long time; that they allowed of divorces, but the condition of them was, that the parties divorced were never to marry again, but to be condemned to perpetual celibacy. He reasoned upon this for some time, and said the Bill was, as his right hon. friend had stated, an appeal to them, partly of a legislative, and partly of a judicial nature. There were, however, more parties to be considered than the three mentioned by his right hon. friend. It was not only the case of Mr. Williams, his wife, and children, but of the lady, whoever she might be, that Mr. Williams might hereafter marry. Would they, then, divorce Mr. Williams from his unfortunate marriage, and yet entail upon him for 21 years all the worst consequences of that marriage? Would they oblige him to take home to his parental arms the bastards of his most mortal enemy?—to have them for 21 years under his eye, the monuments of his shame, the pledges of his disgrace! Let the committee think upon the cruelty, the injustice of such conduct! Let them feel for Mr. Williams; let them consider how he was to marry again under such circumstances! Mr. Burke put these appeals to the humanity of the House with great force and address, and contended, that the evidence which had proved the adultery of Mrs. Williams, and entitled Mr. Williams to a divorce *à vinculo matrimonii*, likewise proved the children bastards, and warranted the House to pronounce them such. He feared his right hon. friend had learned some of his stile of reasoning upon the present question, from what he had heard elsewhere. It was not in his right hon. friend's nature to be niggard of relief, where a claim to relief was made out. He was not in the habit of reluctantly dealing out a piece of a remedy, and loading the boon, small as it was, with a weight of inconvenience and discomfiture equal almost to the weight of the original evil. Most of the difficulties started upon Divorce Bills, he had generally observed, came from batchelors, men, strangers to the nice feelings of husbands, and to the aggravating sensations of which the injured honour of married men felt the affliction. After reasoning upon this point for a considerable time with wonderful force, Mr. Burke shewed, that if the bastardizing clauses were struck out of such bills, it would nearly oblige the husbands to a state of celibacy all the remainder of their lives. He put the case, that a man at 40 years of age obtained a divorce, and the wife had children in adultery: in that case, the man could not marry till he was 61—by no means the best time for marrying, if future divorces were wished to be avoided! Having pleasantly stated this, he put other cases, and concluded with declaring, that he saw no reason why he should scruple, as a legislator, to pronounce those children illegitimate, who had been proved to be such; and whom, from the evidence given in support of the Bill, he knew to be bastards.

Mr. *Fox* thought there was not another man in the kingdom who entertained such

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an opinion as that which his hon. friend had just laid down. He would not, therefore, combat it; but he would point out to his hon. friend the difference, the essential difference between the two points, leaving the children in possession of the rights they at present enjoy, by appearing, in the eye of law, the children of Mr. Williams, until they should be proved bastards, and maintaining and supporting those claims, provided they should be able to prove themselve legitimate: the difference in these two cases was, that in the former the *onus probandi* would rest upon those who asserted the illegitimacy; but in the latter, the *onus* would be unjustly thrown upon the children.

The committee proceeded to divide on the question; but on telling over the numbers, it was found that there was not a sufficient number present to constitute a committee or a House, so that they adjourned.

*Debate in the Commons on a Motion for printing the Report of the Select Committee on East India Affairs.*] April 1. General *Smith* brought up a report from the Select Committee on the State of the Administration of Justice in the provinces of Bengal, Bahar, and Orissa, and moved that it be printed. He would not say any thing on the subject of this report for the present, except that it was of a very extraordinary nature, and worthy of the most serious consideration of the House.

Sir *William James* objected to the printing of the report, as such a measure, disseminating a charge through the world, unaccompanied by a defence, would create a bias in the minds of men, greatly to the prejudice of the persons who were the objects of this report. He was sorry that he and Mr. Lawrence Sullivan should have appeared to the committee in so disadvantageous a view, as to be made by them subjects of a criminating report to the House: he begged, however, that gentlemen would suspend their judgment, and not condemn them unheard; for the other gentleman and he would be able to bring the most satisfactory evidence to prove, that if there had been made an alteration, or an erasure in the records of the Company, it was wholly without his knowledge, or that of Mr. Sullivan.

Governor *Johnstone* did not object to the printing of the report, which he called frivolous, ridiculous, and absurd, and fit to be presented only on such a day as this —the 1st of April; the report was involved in a profound mystery; at least it appeared that the committee wished it to be so; for they had kept their proceedings as secret as possible: he himself, desirous to see the minutes of the select committee, went to the room where they sat, and began to read them; but an hon. general coming in, interrupted him, and would not suffer him to proceed. As a very near relation of his had been a member of the committee, he had applied to him to learn what had been the nature of the proceeding, upon which a report teeming with charges of so aggravated and heinous a nature had been founded. His relation told him, that he had early discovered so much heat and violence, so much passion and prejudice, in the majority of the members of the committee, or rather what appeared to him to be those impulses, that he had at the time determined to withdraw himself entirely from the committee, and never again attend their meetings. This resolution he had strictly fulfilled, and therefore he neither chose to ask himself to see the minutes of the committee, the entries of the evidence they had examined, or the copy of the report that was to be presented to the House, nor that they should be shewn to any other member. Finding it impossible to come at the facts in question that way, he had taken another method, and gone to the witness, who had given evidence before the committee, to know what that evidence amounted to. He had written down the whole of it, and would state it to the House.

Mr. *Burke* said, the hon. gentleman was proceeding in a manner that was extremely disorderly.

The *Speaker* then told the governor, that the sole question before the House was, "That the report be printed;" he must therefore confine himself to that, and that alone.

Governor *Johnstone* said, if it must be so, he would content himself with declaring, that it was wholly unjustifiable, just on the eve of an election, to bring in a report calculated to injure gentlemen who were candidates, and that if the evidence given before the committee was the same as that he held in his hand, he would defy the world to make out a tithe of the charge alledged by the hon. gentleman the preceding evening. The report, he was convinced, as far as regarded the charge in question, was the most trifling,

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absurd, and ridiculous one ever presented to a House of Parliament; and the worthy general had chosen the properest day of the year to bring it forth.

Mr. *Burke* was sorry to hear that the passion and prejudice, heat and violence of the committee had occasioned any of its members to withdraw their attendance. If, however, those heats and violences had really been visible, of which he was by no means conscious, he thought it would have better become the moderate and impartial to have continued their attendance, in order by their coolness and candour to have removed, regulated, and restrained the prejudices, passions and violences of others. He had long since found out, that in the investigation of East India affairs, it was highly necessary for those employed in such a pursuit, not to attempt to conquer their passions merely, but, by every possible guard of prudence, to check and control certain feelings, that were apt to arise pretty frequently in the minds of men, and which it was a matter of no small difficulty to keep in a state of tolerable subjection. With regard to the committee in general, their conduct had been an instance of the most extraordinary perseverance, and the most steady and patient assiduity, that perhaps ever had occurred. The report owed the greatest part of its merit to the hon. general near him, and did him infinite honour. He had very little share in it himself, having had abundant avocations upon his hands in investigating the trade of India, and in attending to other parts of the business. He contended, that what the hon. governor had done in order to come at the report previous to its being presented to the House, had been unwarrantable, and that the hon. general had done no more than his duty in withholding the copy in the manner that he had withheld it.

Sir *John Wrottesley* thought this a very extraordinary time for producing the report, just on the eve of an election at the India-house for directors, and when the *two* gentlemen, who were charged in the report, were known to be candidates. This might induce some people to think, that the report was brought forward solely for the purpose of prejudicing those two gentlemen in their election; and he confessed, for his own part, that he saw strong reason to suspect a want of candour and fairness in the management of the business.

General *Smith* said, that having ceased to be a proprietor of stock, he had no farther concern with the Company, and therefore was without prejudice, as to the event of any election for officers of the Company. It was thought by some gentlemen, that the report was ill-timed, because it might interfere with such an election; he knew no principle on which it could be argued, that public justice ought to give way to private concerns, and therefore the election of the India-house was no cause for putting off the report; on the other hand, he assured the House, that if it had not been for the prevarications and collusion of a clerk in the India-house, the evidence contained in the report might have been obtained and laid before the House two years ago. He said, he was neither to be diverted from his duty as a member of that House, nor in any way affected, either by a sally of imagination, or a sally of passion, which the hon. governor might at any time think proper to give vent to; but as the hon. governor had not correctly stated what had passed, relative to his being denied a sight of the report, he begged to be permitted to inform the House of the real circumstances of the transaction. The hon. baronet over the way had sent him a letter the preceding evening, begging to be permitted to see the report; being extremely desirous of giving the hon. baronet, whose name was mentioned in the report, every possible satisfaction that in candour and fairness could be given him, as chairman of the committee, he had directly written an order to the clerk of the committee, to let the hon. baronet have the copy of the report to peruse. When, however, he came down to the committee-room that day, he had found, not the hon. baronet solely perusing the report, but the hon. governor behind him, and three or four other members of that House reading one part of it. He suffered them to finish the part they were reading, but directed, that the rest should be withheld. The general said, it was an extremely unpleasant thing for him to be obliged to enter into altercations with members of that House; but as chairman of a committee appointed by the House, he must do his duty; and he did not think it by any means proper or consistent with the respect due to the House, that a report to be presented to them should be privately examined and criticised previous to its delivery.

Mr. *S. Smith* said, that it was a very

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extraordinary circumstance, that a member, not only of the House, but of the select committee itself, had been refused the liberty of reading the evidence on which the report had been founded; the hon. baronet (sir W. James) wished to see if the evidence that had been given *vivâ voce* had been faithfully taken down by the committee, but this just and fair wish had not been gratified; and hence an inference might be drawn, and supported by the circumstance of the time when the report was laid before the House, that public justice was not so much the object of the committee, as to prejudice the two gentlemen in question in their election. He mentioned Mr. Sullivan in terms of great respect, and said, he was a man, whom the hon. general might be proud to call his friend. He also again adverted to the general's conduct in the committee-room, and concluded with saying, that strange and extraordinary, however, as what he had related might appear to the House, he averred it to be a fact.

Mr. *Burke* said, in answer to Mr. Smith, that it was evident he was but a young member, or he would have known that the powers of committees, and of their chairmen were such, that no member, not upon the particular committee, had a right to look into the papers of that committee, unless the chairman chose to give such member his authority for so doing. With regard to the particular paper withheld, the hon. general was not only warranted in withholding the sight of it, as chairman of the committee, but on another and a much stronger ground, viz. because the paper was his own particular property, and did not belong to the committee at all. It behoved the House to print the report, in order to prevent the effect of very improper publications that were handing about. Indeed, if the House did not print it in their own defence, and in justification of the committee, they would have the report partially printed, and that in such a manner as would do infinitely more injury, than a fair and authentic publication of the whole of it.

Lord *Mulgrave* had strong objections to the printing of the report; for until the House should have agreed to a report, particularly of a criminating nature, he could not look upon it in any other light, than as *ex parte* evidence; and therefore he could not consent that such evidence should go abroad into the world, unaccompanied by the defence of the persons charged; for if it should, there was no manner of doubt, but it would prejudice them awhile in the eyes of the public. In the courts below, the judges were cautious how they suffered evidence to be given at one period of a cause, which might bias the minds of men at some other stage even of the same cause; and therefore he thought, that in parliament there should be at least as great circumspection as in the courts below. His lordship declared himself altogether uninformed, as to the facts stated in the report; their tendency and application, consequently, were matters perfectly immaterial to him. As a mere stander by, he could not but be impartial, and in that character, he owned, it struck him very forcibly, that printing a report, conveying imputations against a member of that House and another gentleman, just at the eve of an election, in the issue of which those gentlemen were interested, would be a measure neither consonant with candour nor justice. Mr. Sulivan and sir W. James, he understood, were both named in the report, and that in a manner that conveyed an imputation upon their characters; in fairness, therefore, he thought the House, under such circumstances, ought to deter printing the report till the election that was to come on next week should be over.

General *Smith* expressed his surprise that the noble lord, who had declared himself wholly uninformed upon the subject, should venture to oppose his opinion upon the report, to that of those who were well-informed, and who, from a most elaborate attention to the business, were perfect masters of it. In point of impartiality, the noble lord could not be more disinterested than himself. He was no longer connected in any shape with the East India Company. He had parted with all his stock, and had not the smallest interest in the Company's affairs. With regard to the report being founded on *ex parte* evidence, nothing could have been more fair than his proceeding all through the enquiry upon which the report was fonnded. He claimed it as a merit, and expected to have credit for it. As soon as the committee came, in the progress of their examination, to touch upon the matter concerning Mr. Sulivan, he staid the proceeding till he had sent Mr. Sulivan notice of it, and got that gentleman to be present while the enquiry went on. The

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hon. baronet also, whose name was likewise mentioned, had the fullest and fairest opportunity given him, of hearing all that was urged upon the subject, as far as it affected himself. Gentlemen talked of the election that was pending; the committee of that House were bound to do their duty, without any consideration whether the report they had formed would or would not affect particular persons in particular transactions out of that House. As to why it was deferred so long, and brought in just at that crisis, the answer was simple and plain. It was not the fault of the committee, that the report had not been brought in before. Its delay had been occasioned by the reservation of evidence. The committee had discovered the business in question eight or ten months ago; but Mr. Wilkes had been persuaded to secrecy; and they had only got possession of the altered records of the Company eight or ten days ago. As soon as they had got hold of him, and found him ready to tell all he knew, they made no delay, but completed the business as early as the delicate nature of it would admit. The general justified the caution he had used with regard to withholding the sight of papers from the members of that House, by reminding the House, that the committee were responsible for the report, and answerable for every part of it with their characters.

Lord *Mulgrave* declared, he had not said one word in question of the facts stated in the report; he had professed to be ignorant what those facts were, and consequently could not speak to their validity. What struck him very forcibly, and what he thought a received principle in the courts below was this; that if in the progress of a cause which cannot be immediately decided, the evidence is likely to affect the interests of the parties in the issue of another cause to be tried elsewhere before a decision can be had upon the first, proceedings in the first are staid, till the issue of the second is ascertained. If this was not a received principle in the courts below, he was sure it ought to be received as a principle of proceeding in that House. The hon. general had said, a committee of that House must do their duty, unmindful whether individuals were to be affected by it or not, in any other place. This was very true; but printing the report was a matter that lay with the House, and not with the committee. It was the act of the former; and it surely became the House not merely to do their duty, but to take care to do it in such a manner, that serious injustice should not be its consequence. All he contended for was, that till the election was over the report ought not to be printed. The report contained imputations against a member of that House, and another gentleman, which those gentlemen had declared they, upon investigation, could clear up. It was a maxim in law, that where parole evidence was given, and where testimony was not taken *vivâ voce*, a cunning and artful clerk could write it into any shape, or give it any meaning he pleased. The report was written evidence, and it behoved the House to take care that neither the errors of an artful, nor of a negligent clerk, should be allowed to operate to the prejudice of gentlemen unheard in answer to it.

Sir *W. James* observed, that in the course of what the hon. general had said, he had mentioned as a reason for not bringing the report down sooner, that it was only eight or ten days ago that the committee had got possession of the altered or obliterated records of the Company; lest therefore the House might be impressed with that reason, sir William called upon the candour of the hon. general to exempt him and Mr. Sullivan from the charge of such alteration being imputable to them.

Governor *Johnstone* said, he never would admit, that a gentleman, who had for years been concerned and busy in India affairs, because he suddenly declared, he had quitted his connection with the East India Company, was therefore to be considered as an impartial person in a question, the whole management of which had been in his own hands. The *ipse dixit* of his disinterestedness under such circumstances was no argument. On the contrary, the declaration of another hon. gentleman, that the paper which had been withheld, was the worthy general's property, was a proof that the worthy general had been the sole manufacturer of the part of the report complained of. Could he be impartial to his own handy works? Common sense denied the probability. With regard to not printing the report, the governor said, he had not uttered a syllable in his former speech to that effect. Not to print it, after what had passed, would just do the mischief that had been so much talked of. If the world were to



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understand that it was not printed for such reasons as had been alledged, the report would acquire all the consideration and importance which did not belong to it. The charge, as he had before declared, was frivolous and nonsensical. Let the worthy general have it printed. Let it go forth to the world, and they would be able to judge of its absurdity.

Mr. *Burke* again defended the report, which he said was not founded in *ex parte* evidence, but had been managed in a better manner. He also contended, that the report ought not to be considered as the first mention of Mr. Sulivan's name in a manner not perfectly honourable. The House had done so themselves last year; as a proof that they had, Mr. Burke moved, that the five resolutions of the 2d of May last be read.

They were read at the table accordingly: after which the motion was agreed to.

*New Administration.*] April 2. This day it was announced to parliament that an arrangement was formed, and several writs were moved for.*

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* The following is a List of the New Administration:

The duke of Portland, First Lord of the Treasury.

Lord North and Mr. Fox, Principal Secretaries of State.

Lord John Cavendish, Chancellor of the Exchequer.

Visc. Keppel, First Lord of the Admiralty.

Visc. Stormont, President of the Council.

The Earl of Carlisle, Privy Seal.

The above seven to form the Cabinet.

Lord Loughborough, sir William Henry Ashurst, and sir Beaumont Hotham, Lords Commissioners for the custody of the Great Seal.

The earl of Surrey, Frederick Montagu, esq. and sir Grey Cooper, Lords of the Treasury.

Hugh Pigot, esq. Viscount Duncannon, hon. John Townshend, sir John Lindsey, William Jolliffe, esq. and Whitshed Keene, esq. Lords of the Admiralty.

The earl of Hertford, Lord Chamberlain.

The earl of Dartmouth, Lord Steward of the Household.

Right hon. Charles Greville, Treasurer of the Household.

Viscount Townshend, Master-General of the Ordnance.

John Courtenay, esq. Surveyor-General of the Ordnance.

Henry Strachey, esq. Storekeeper of the Ordnance.

*Debate in the Commons on the American Intercourse Bill.*] April 9. Mr. Secretary *Fox* moved, that the farther consideration of the American intercourse bill be adjourned for four weeks. He observed, that the principal objects of the Bill might be answered by a negociation, and he never wished to see that introduced into a bill, before the conclusion of a treaty, which ought to be the consequence of a treaty. All that would be necessary for the present, would be to bring in a Bill, which should be passed as speedily as possible, to repeal the prohibitory acts, and this he intended to do immediately. He intended also to move for leave to bring in another bill, for the purpose of removing all the difficulties in the way of our trade with the Americans, occasioned by such clauses of the acts now in force, as rendered bonds, certificates, cockets, and other papers of that nature, necessary, to be produced by ships coming here from America; and thus having cleared away the great impediments, and thereby convinced the Americans of our sincere desire to act with them commercially, on the most friendly footing, he had no doubt but the negociation would speedily come to an issue, and the trade fall naturally into its old course. He was aware, that opinions were entertained, that the prohibitory laws were already virtually repealed

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William Adam, esq. Treasurer of the Ordnance.

Hon. Richard Fitzpatrick, Secretary at War.

Edmund Burke, esq. Pay-master of the Forces.

Charles Townshend, esq. Treasurer of the Navy.

The earl of Cholmondely, Captain of the Yeoman of the Guards.

James Wallace, esq. Attorney-General.

John Lee, esq. Solicitor-General.

Lord Foley, and Henry Frederick Carteret, esq. Joint Post-Master-General.

Richard Brindsley Sheridan, esq. and Richard Burke, esq. Secretaries to the Treasury.

Hon. Mr. St. John, and hon. colonel North, Under Secretaries of State.

The earl of Sandwich, Ranger and Keeper of St, James's-Park and Hyde-Park.

The earl of Jersey, Captain of the Band of Pensioners.

Lord Hinchinbrooke, Master of the Buck Hounds.

The earl of Mansfield, Speaker of the House of Lords.

The earl of Northington, Lord Lieutenant of Ireland.

William Windham, esq. Secretary to ditto.

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by the act of the last session; or if that was not the case, that his Majesty and his council had the power of suspending them, both these opinions might have some foundation; but as different sentiments prevailed respecting them, and as it would have a better grace, and be a more handsome mode of proceeding, he should propose to pass a special act for the purpose, which would at once put the matter beyond all possibility of farther question.

Mr. *W. Pitt* said, the necessity of opening an intercourse with America, and that as early as possible, in order to prevent other countries from getting the start of us, and carrying their goods to the American market, sooner than we could, was a matter, that must press itself on the conviction of every gentleman. He heartily wished the negociation in question might answer the object as fully as the hon. gentleman had described; but he owned, when he considered the very great difficulties that had arisen in the way of the Bill he had the honour of introducing, and the vast variety of considerations necessary to be adverted to in a permanent commercial treaty, he owned he was not equally sanguine with the right hon. gentleman, nor could he think it possible that a treaty so comprehensive in its nature, so multifarious in its objects, and altogether so seriously important, could be brought to a conclusion in so short a space of time as a few weeks. It was from an idea of the great difficulty, and the consequent and unavoidable delay the bringing such a treaty to issue must be attended with, that he had been induced to think it better to pass a temporary act, adapted to the necessity of the moment, than to wait for the conclusion of a permanent treaty. If, however, the right hon. gentleman felt himself warranted to be sanguine in his expectation (though from what little he knew upon the subject, he could not guess what it was that had authorized such a sort of confidence), and the matter could be adjusted by treaty in so short a time as he had given the House to expect, he should be extremely pleased for one, and be ready to give ministers his share of applause.

Mr. Secretary *Fox* said, he was not sanguine in his expectation from any certain knowledge, of which he was in possession that the treaty of commerce with America would be concluded in a few weeks, but from his hopes, that when the prohibitory acts were repealed, and every difficulty removed voluntarily on our part, America would have nothing to contend for, but would readily agree to put an end to the treaty now in negociation. With regard to the Bill in question, the right hon. gentleman would, he doubted not, allow, that if it went on, it would be some time before it could pass, [Mr. Pitt nodded assent]. In that time, it would be ascertained, whether the matter could be concluded better by treaty or not; and if it should appear that it could not, then the present Bill, or something like it, might be taken up and completed; for this reason it was, that he had moved to adjourn the Bill for four weeks, meaning thereby a real postponement, and not to give up the Bill altogether.

Mr. *Arden* said, that the right hon. Secretary talked of bringing in two bills, the one for repealing the prohibitory laws; the other for repealing certain clauses of certain statutes respecting bonds, certificates, &c. Was he aware, that both those points were within the view of the present Bill? One of them—the repeal of the prohibitory laws—was the immediate aim of the very first clause; the other he believed of the seventh, [Mr. Fox said he knew it.] This being the case, why not go on with the present Bill, retaining only the two clauses in question? He also urged the necessity of the legislature pronouncing an opinion in what light ships coming to British ports from America were to be considered. He wished it might not be left for the lawyers and custom-house officers to contest the point hereafter. He had formed his own opinion, but he should be sorry to declare it: there was a great delicacy in the case; and therefore he wished the legislature to put the matter beyond all question, and to say, in an act of parliament, how American ships were to be treated, whether as foreign ships, as British ships, or as the Americans were treated before their independency. He strenuously urged the necessity of having the doubt and difficulty, that must otherwise be felt by the custom-house officer removed.

Mr. Secretary *Fox* replied, and stated, in a very forcible manner, two difficulties that struck him as insurmountable reasons for neither declaring by act of parliament, that the American ships should be treated as the ships of foreign nations, nor as they had been treated heretofore. If it was declared by statute, that we considered the ships of America as the ships of foreign

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nations, then every indulgence we granted them by the other Bill, which he had mentioned, would be regarded with jealousy by other foreign nations, and the Russians, and every other power with whom we had commercial treaties, would be brought down upon us. On the other hand, he saw an objection to suffering it to be declared by statute, that they should be treated as heretofore, and it was this: he was extremely unwilling to appear to grant them more by the act, than upon the farther agitating the negociation it might appear expedient to allow them. In other words, he wished not to give occasion hereafter to recede from our degree of indulgence; which must at all times appear ungracious, and be difficult to manage. For these reasons, though he wished not to be considered as an enemy to the independence of America, nor as in any shape grudging or regretting that circumstance, yet he could not consent to treat them as British subjects, and indeed without, on the one hand, giving offence to other foreign nations, or creating difficulties for ourselves hereafter; on the other, he saw no other mode of considering them at all practicable; and so considering them, he thought it better to let the doubts started by the learned gentleman near him, remain untouched for the present, than attempt to clear them away.

Mr. *Eyre* proposed the passing an immediate law to open the trade with America on liberal terms, but with an exception as to the permitting their ships to bring over rum, sugars, and other articles, the produce of the West India islands. He said, he had good reason to believe America was inclined immediately, on our passing such a law, to pass a similar one making the advantages reciprocal to both countries. He read the heads of a Bill he had drawn for the purpose, which appeared to him to be clear, intelligible, and well-adapted to the occasion.

Mr. *D. Hartley* said a few words in support of Mr. Fox's argument, and in order to shew, that it would be more advisable to pass a new Bill, than to adopt that already before the House, with a very long and copious title, by no means confined to the single object of repealing the prohibitory laws.

The question for adjourning the farther consideration of the Intercourse Bill, for four weeks, was carried without a division. After which, leave was given to bring in a Bill to repeal the Acts prohibiting trade and intercourse with America.

April 11. Mr. Secretary Fox's Bill for repealing the Prohibitory Acts was referred to a committee. Before the Speaker left the chair,

Mr. *Jenkinson* desired to know by what other bill or bills, the present one was to be followed up; for there was not a doubt but the present Bill alone, would of itself be insufficient, and totally inadequate to the end of opening an intercourse with America.

Mr. Secretary *Fox* agreed that this measure alone, would be insufficient; he would therefore follow it up with another Bill, for repealing the Act that imposed a necessity on the ships coming from America, of being provided with certificates from American governors, of giving bonds on clearing out from British ports, and shewing their manifests. He was ready to say, that both these measures, put together, would be no otherwise sufficient for opening the intercourse, than inasmuch they would remove preliminary obstacles, without the removal of which, the intercourse could in no wise be restored; a treaty might do the rest.

Mr. *W. Pitt* admitted the necessity of repealing the Prohibitory Acts, by a special Act of parliament, though he was of opinion that by the recognition of American independence, these acts were virtually done away: all therefore he had to say at present was, that he was convinced that the Bill then before the House, which in the preamble professed to be for the purpose of opening the intercourse with America, could never answer that purpose.

The House went into the Committee, where the blanks in the Bill were filled up without any debate.

Mr. Secretary Fox next moved, "That leave be given to bring in a Bill for preventing any manifest, certificate, or other document being required for any ships belonging to the United States of America, arriving from thence, at any port in this kingdom; or upon entering or clearing out from any port of this kingdom, for any port within the said United States."

Mr. *Jenkinson* said, the question between him and the right hon. Secretary was not, whether the most adviseable way to open an intercourse with America, was by removing all the impediments to that

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intercourse, that stood upon the statute books, but whether the Bill now moved, would fully answer that purpose. Taking away legal impediments to the intercourse, he agreed to be the only possible way of restoring the trade with America, but he had his doubts, whether the present Bill would produce that effect, and if it should be found that it did not, he thought it would be extremely wrong to go on with a Bill of that kind then, and after the holidays be obliged to bring in another to make up for its deficiencies. He was ready to admit, that the principle adopted by the right hon. Secretary was a right one. There was, however, a matter of danger in the application of it, which he would mention then; and which must be provided against in the Bill; and that was, the danger of leaving such an opening as should afford any vessels assuming the name of American ships to turn smugglers, and convey goods uncustomed into every port in the kingdom.

Mr. *Eden* said, that though the House had undergone many long discussions of the present question, there never had existed any difference of opinion, as to the object in view: that object was, to gain by liberal but prudent measures, as great a share of the American commerce as could be gained, without imminent risk or actual disadvantage to the naval strength of Great Britain. In pursuing that object, the House seemed also to be agreed, as to the propriety of leaving that negociation for the present, unconfined by laws, to the fair exertions of the king's ministers: and he understood it now to be an admitted principle of policy, rather to found the regulating acts upon the treaty to be concluded, than to anticipate all grounds of treaty by a parliamentary interference, which might indeed bind our own commerce, but could not open or insure any mutuality. Subject to this principle, his right hon. friend had proposed two Bills, merely to remove restraints, which in nobody's opinion ought to subsist, whatever might be the event of the negociation: such a measure, so far as it went, was undoubtedly right; but other gentlemen had justly observed, that a mere repeal of restraints would in some respects do too little, in others too much: it would be found, for example, on referring to the first clause of the Navigation Act, that unless some farther regulation should be made, the ships of the United States would remain excluded from our ports, as being American ships from territories not belonging to his Majesty; in other instances, the mere repeal of restraints would do too much; most expensive frauds and abuses might take place in the whole business of drawbacks and bounties; and again, the whole carrying trade of the West Indies, would be opened to the United States: he could state many other circumstances, to shew the necessity of supplying these resulting defects of the measure, by a discretionary power to be lodged in the King and council, or in the commissioners of his Majesty's Treasury: but as that necessity seemed to be allowed by all sides, he would merely move an amendment to the title of the Bill.

The amendment was read by the Speaker as follows: "And to give to his Majesty, for a time to be limited, certain powers for the better carrying the said purposes into execution." Mr. Fox agreed that the title should be as amended by Mr. Eden.

*Debate in the Lords on the Irish Judicature Bill.*] April 11. As soon as the duke of Portland came into the House, the earl of Abingdon called for the order of the day. The earl of Mansfield told him there was no order of the day.

The Earl of *Abingdon* said he understood that the second reading of the Irish Judicature Bill was to come on that day; nor had he learnt, till he came down to the House, that it was not an order regularly entered. It was a matter of the most serious consideration. He was ready to deliver his sentiments upon it, and he begged the House to understand, that he meant not to oppose the Bill. At the same time, he would readily consent to wait till some other day was appointed. He should be glad to hear from the noble duke near him, whose business it immediately was to move, that the House be summoned, when he wished to have the Bill read a second time.

The Duke of *Portland* said, that by the address personally made to himself, the noble earl seemed to imagine it was more peculiarly his duty than that of any other peer; he did not consider it to be so, but that every peer was equally entitled to move for their lordships to be summoned. He should in that, as in every other part of his parliamentary conduct, be guided by their lordships' judgment, not doubting but that their wisdom and discretion

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would lead them to do what was proper. With regard to the conversation that had taken place upon the Bill on a former day, he took shame to himself for having so far neglected his duty as to have been absent on that day, but it was not altogether his fault. He had been wholly unapprized that the Bill would have become the subject of conversation when it did, and the kingdom had been for so long a time kept in a most extraordinary situation, that—but he would not go into that subject then, nor enquire why it had been so kept, nor where the fault lay; it was enough for him to say, and he trusted the House would give him credit, when he declared, that so great a weight of public business had fallen upon him all at once, in consequence of his having been persuaded to accept the station in which he then stood, that his task was extremely laborious indeed. With regard to the Bill in question, their lordships must know that he could have had no hand in framing it; it had been carried to the stage it had attained, by others, and consequently he could not answer for its contents. He left it, therefore, wholly to the judgment of their lordships when to proceed with it, and in what manner.

Lord *Sydney* said, that the Bill was certainly a measure of infinite importance; and as he had not only had the honour of moving that it be read a first time by their lordships, but had originally introduced it into the other House of parliament, if any one lord was more answerable for its contents than another, it was himself. He had moved that it be read a first time by their lordships; but an interregnum of administration having taken place, he had forborne to agitate it farther, from a consideration, that to do so after he had quitted his Majesty's service, would be extremely indecent and improper. Having taken up that opinion, he had submitted it to the noble duke, and having done so, he owned, he had thought it became him to leave the matter to the discretion of the noble duke, imagining, that his grace would, at a fit opportunity, proceed with the Bill. His lordship moved, that the Bill be read a second time on Monday, and that the Lords be summoned.

The Duke of *Richmond* thanked the noble lord near him for having made the motion. The noble duke had said, he was not answerable for the contents of the Bill in question, and the noble lord had very candidly stated the share he had taken in getting the Bill into the stage in which it stood at that moment, and had said, that if any person was more answerable for it than another, it was himself. To this sort of reasoning, he never could accede. Generally speaking, no individual member was more responsible for an act of parliament than another. The whole legislature was in fact responsible; but still, considering the present Bill to be a measure deeply interesting in its nature to all the remaining parts of the British empire, it was not a Bill which ought to rest merely upon general grounds, any more than upon individual responsibility. He therefore could by no means agree, that it ought to go forth as a Bill, for the contents of which the minister had declared himself irresponsible. It was not enough for him, that the noble lord near him had avowed himself answerable; the Bill must be a measure of government, or it ought not to pass. It was not, he conceived, the intention of the noble duke near him, nor of any other person, that the present Bill should be the conclusive measure with respect to Ireland, or that government meant to stop there, and do nothing more upon the subject. He supposed the noble duke meant to proceed farther, and that this was but a part of a system. If so, the noble duke must have an opinion upon the present Bill. It was true the Bill had been proposed, framed, and brought to the stage in which it stood by a former administration; but standing where it did, something must be done upon it, and the noble duke must necessarily declare, whether his opinion was, that it ought to proceed, or whether, having a system of measures of his own, with which it would not accord, it ought to be rejected.

The Duke of *Portland* said, if the noble duke had delayed his remark till the Bill had been properly before their lordships, and had heard, whether he had an opinion upon the Bill or not, and whether his opinion was for it or against it, he should have thought the noble duke would have acted more properly. He by no means rejected the responsibility which his situation threw upon him: he only wished to be permitted to say what his opinion was, before any noble lord assumed that he had not formed one upon that or any other bill that might come before their lordships.

The Duke of *Chandos* did not mean to oppose the Bill, but should have something

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to offer to their lordships' consideration respecting the situation and interests of Great Britain and Ireland, when the Bill came properly before the House as a subject of debate and discussion. His grace declared, he had been unapprized that there was any intention to take up the Bill on that day. On examining the clerk's paper, he found the second reading of the Bill was not an order of the day, and that no motion had been made for summoning their lordships upon it. He was astonished that it should ever have been thought right to proceed at all upon a bill of such importance, without full notice being given of the day on which it was to be proceeded upon, and without their lordships being summoned.

Lord *Thurlow* said, he rose to do that in candour, which he should at all times be ready to do, viz. to take that fault upon himself, which he knew belonged to him, if any fault it were, and not to remain silent, when he heard other lords blamed for it. With regard to the complaint just made by the noble duke, that the Bill ought not to have been proceeded upon, without their lordships having been summoned, he believed it was owing to himself that their lordships had not been summoned. When the Bill was spoken of on a former day, the noble duke (of Richmond) had said, that he meant not to oppose the Bill, but merely to offer a few observations upon the state of the two countries. He had, upon hearing that, conferred with the learned lord upon the woolsack, and it had been their opinion, that such sort of speaking to the Bill, as the noble duke had intimated his intention of, did not render it necessary that the House should be summoned. It was owing to this inadvertent conversation that the House had not been summoned. He would farther declare, that he had been the person who advised the noble lord, who had moved the first reading of the Bill, not to move the second, but to let the Bill remain till his Majesty's present ministers chose to take it up. With regard to the responsibility for bills like the present, certainly, to speak in general terms, the whole legislature, and each individual member of each House of Parliament was alike responsible; but ministers were bound to inform the House upon what principles of policy each bill of a great and important nature was introduced; how it was to be applied, what other parts of a system it belonged to, and upon what grounds they were led to imagine it would answer the purpose for which it was introduced. Without such information from ministers, it would be impossible for either House to know, whether it was judicious and right for them to receive such a bill as the present, and to proceed to pass into a law. The Bill then under discussion, had been the proposition of a former administration; had those ministers remained in office, he should have thought their conduct astonishingly strange indeed, had not the noble lord risen up, and informed their lordships of the grounds, upon which he and his colleagues had been induced to adopt the measure then before the House, why they thought it a fit measure for parliament to sanction, the policy upon which it was founded, and what other steps they meant to follow it up with. Had that administration continued, and the noble lord had not done so, he should, from motives of friendship to the noble lord, as well as upon public considerations, have called for such an explanation. As soon, therefore, as he learnt that a new administration was in office, he advised the noble lord, to whom he had alluded, to let the Bill wait, from an idea that a new ministry might proceed upon a system of their own, to which the Bill, then under discussion, might not be adapted. When the Bill was introduced, he took it for granted, it was a part of a wise and comprehensive system, carefully digested and suited to the situations of the two countries. If the noble duke now at the head of affairs went on with the Bill, the House would naturally expect him to inform them what the system, his Majesty's present ministers had formed, was; and how this Bill was adapted to it as a part of the whole. His lordship observed, that the Bill then before the House had been concerted with the advice of the present lord lieutenant of Ireland. A noble lord of whom, both in private and in public, he had heard sufficient in praise to convince him that he was a man of great abilities, of great wisdom, and of great integrity. Advice coming from such a man, and it being considered what a great stake that noble lord had in both countries, too much attention could not certainly be paid to the noble lord's suggestions. For these reasons, he anxiously hoped, that the noble lord was not to be recalled, but was to remain where he was, and where he had conducted himself in his

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high capacity, in a manner that redounded so much to his own honour, at the same time that it was productive of infinite advantage to the interests of both kingdoms. If, unfortunately, the noble earl was to leave Ireland, and any body else was to be sent there, it would become the noble duke more particularly to inform the House, in the fullest manner, how the present Bill would suit that system which the administration of this day meant to pursue, that the House might judge of the propriety, practicability, and policy of the whole, before they blindly gave their sanction to one part only.

The Bill was ordered to be read a second time on Monday, and the Lords to be summoned.

April 14. The Irish Judicature Bill having been read a second time,

The Earl of *Abingdon* rose and said:—

My lords; if I did not perceive, as I do, the sense of the Bill now under the contemplation of your lordships, to be the sense not only of the House, but of the nation at large, the confidence which I have in the political wisdom of my noble friend (the earl of Shelburne) under whose administration the Bill has made its appearance, would be a sufficient motive with me to yield up my own opinions, whatever they may be, to his. And therefore your lordships will not suppose that I rise to offer any thing upon the question now before you, that may be considered in the light of opposition to this Bill, or that may have the smallest tendency to impede its progress through the House.—But, my lords, standing in the situation in which I do, somewhat pledged to your lordships upon the ground of this Bill, I trust I may hope for the indulgence of the House, should I trouble your lordships with a very few words in explanation of my conduct. At the conclusion of the last session, I had the honour to state my ideas to the House, as to the then relative situation of Ireland to this country. I saw, and I saw with pleasure, that what Ireland had required of England, had been in all its extent acquiesced in by his Majesty's ministers. I saw an act of parliament no less offensive to the constitution of this country, than subversive of the right of Ireland, repealed and expunged from our statute books. But I saw too, my lords, that although this was done at the instance and requisition of both Houses of Parliament in Ireland, that when done, Ireland was not satisfied with it; and seeing this, as the true friend to both countries, I endeavoured to draw that line of relation betwixt the two, which the interest of each seemed to call for and require, and in which I felt myself upheld, maintained and supported by the constitution of England.

My lords, what this line is, and how it was to be drawn, was contained in a bill which, when the matter was agitated, I took the liberty of proposing to your lordships, and being intended rather as matter of speculation than as a proposition at that time to be carried into execution, was a part of my speech read to your lordships [see p. 147]; your lordships, therefore, being already possessed of the plan which I had adopted, and not meaning, as I have said, to give any opposition to the Bill now before us (leaving it to futurity to determine upon the eligibility of the two plans, as they respect the best interest of both kingdoms), I shall not trouble the House with a recapitulation of what I have already suggested to your lordships upon this subject. But, my lords, I cannot help briefly restating to your lordships, what this proposed line of relation between the two kingdoms was, and what the grounds were, upon which the proposition itself was built.

In considering this subject, my lords, two things occurred to my observation; the one, the right which this country had exercised of internal legislation over Ireland, the other the right which this country possessed of external legislation over Ireland, so far as that legislation regarded the navigation and commerce of that kingdom. With respect to the first right, my lords, the right of internal legislation, it was clear to me that no right so manifestly in the teeth of the constitution of this country, however it had been exercised, could on principle, be upheld and maintained; and in arguing this point, I wanted neither reason nor authority to support me. I found it to be a fundamental principle of the constitution, that legislation and representation were inseparable, and that therefore inasmuch as Ireland was not represented in the British parliament, Ireland could not be subject to the legislature of the British parliament; and in this conclusion, even in point of fact, I found myself sufficiently justified by authority; for, in my researches upon this question, it was evident

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to me, that the ground upon which this right had been exercised, was manifestly that of Ireland being represented in the British parliament, though that representation was rather matter of pretence than of reality; the pretence being, as my lord Coke and many others have laid it down, that the "kings of England sometimes calling their nobles of Ireland to come to their parliaments, Ireland was insomuch represented; and being so represented by special words, the parliament of England might bind the subjects of Ireland." This being the ground of the internal legislation of the parliament of England over Ireland, as it was at no time a sufficient ground for the exercise of this right, and as I saw the right, although exercised, continually controverted, and called in question; so when even the pretence itself did not exist, I mean of the kings of England calling their nobles of Ireland to come to their parliaments, there could be no colour whatever to maintain the right; I did not hesitate to approve of the repeal of the declaratory law of the 6th of George 1, by which Ireland was bound, and to pronounce that the exercise of that right was usurpation, and ought to be abandoned.

But, my lords, of the other right, that of external legislation, so far as it respected the navigation and commerce of that kingdom, my opinion and judgment were the very reverse of this; and upon grounds, my lords, no less founded on reason and authority, than on policy, and the mutual interest of both countries; even if the right had not existed: for in such a concern there must be a headship, and if there be not, no connection can subsist, but actual separation must ensue; and more than this I need not labour the ground of reason upon which this proposition stands, for the proposition speaks for itself: that the existence of this country depends upon its dominion at sea; and that the dominion at sea depends upon the due cultivation and regulation of its commerce in all its branches, are topics which I had before taken notice of, and are too well known to your lordships to be insisted upon here. Of the authority, then, on which this right of external legislation rested, it remains for me to trouble your lordships with a few words, and here I find myself no less founded in the maintenance of this right, than I was justified in the condemnation of the other.

My lords, this right being founded on the right to the dominion of the sea, was a common law right, that is, it was a fundamental right, and coeval with the constitution of this country; and being so, I find it not only laid down passim in all our common law books, but as declaratory of the right as common law so expressed in the statute of the 20th of Hen. 6, c. 9, to wit: "Le parliament d'Engleterre ne lia Ireland quoad terras suas, quar ils ont parliament la, mes il poient eux lier quant al choses transitory, comme eskipper de lane, ou merchandize, al intent de ceo carrier al auter lieu ultra mare;" that is, "The parliament of England cannot bind Ireland, as to their lands, for they have a parliament there; but they may bind them as to things transitory, as the shipping of wool, or merchandize, to the intent to carry it to another place beyond sea;" an authority, my lords, which as your lordships perceive, whilst it maintains the right of external legislation *quoad* the commerce of Ireland, it defeats the right of internal legislation for the reason given, namely, "for that they have a parliament there."

And now, my lords, under the circumstances of this business, I need not press this matter farther on your lordships' minds. What I have said was that I might act in consistency with my own principles, and having done this, I have satisfied my conscience, and I have done. But, my lords, I cannot sit down without throwing out a few hints to your lordships as to the policy of Ireland in pressing, for I will not now speak of the policy of this country in granting the requisition, which the Bill, now before your lordships, proposes.

My lords, the Bill now before your lordships, proposes that the parliament of England shall have no authority over Ireland, in any case whatsoever, either internal or external: but, my lords, are your lordships aware, is Ireland aware, to what this leads? Do the people of Ireland wish to remain subjects of the crown of England—I say of the crown of England, my lords? for if they do, the moment this Bill passes, they are no longer so—I say, no longer so. For, my lords, the subjects of the crown of England must be, and are, of continual necessity, under the legislative authority of this country. My lords, the crown itself is under the legislative authority of this country; and of course those who are dependent upon this crown, so far as the constitution admits of



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it, must be so too. That they may be subjects of the King of England, is true; and so they will be: and so are the people of Hanover subjects of the King of England: but does Ireland wish to be upon the footing of Hanover with this country? and yet the case must and will be so. Suppose an act of parliament was to pass, restraining the prerogative of the crown, in any given instance, with respect to Ireland, would not Ireland be bound by that act of parliament? Must not Ireland submit to that act of parliament? For how could Ireland oppose or resist it but by an act of rebellion, if the people of Ireland be the subjects of the crown of England, and the crown of England be subject to the legislation of England? Do the people of Ireland wish to have seats in the British parliaments? My lords, this Bill incapacitates them from being members of the British legislature. It is by acts of parliament that the right of sitting in the two Houses of parliament is regulated; and the people of Ireland, not being to be bound by acts of parliament, they are insomuch aliens, *quoad* their claim to this right.

My lords, the moment this act passes, the Irish are no longer our fellow-subjects; that is to say, if this act of parliament be of any force, for, notwithstanding the boasted omnipotency of parliament, an act of parliament cannot destroy a fundamental right of the constitution. If the right be in us, that right is delegated to us, and no delegated right is, or can be in its nature, transferable. This is sound constitutional doctrine, my lords, and which cannot be opposed. Besides, at best, this is but an act of parliament, and all acts of parliament are repealable; and then the right reverts to its fundamental source. Let the Irish remember that the 6th of George the 1st has been repealed. But now, my lords, let me ask Ireland a question or two. Does Ireland propose, that the navy of England should protect her commerce; and that that commerce should not, by the regulations of England, be made subservient to that navy? Or does Ireland mean to equip a navy of her own? For if so, here competition begins; and in what competition must end we know. Does Ireland consult her interest in this? I think not; and of this we have already had a proof. No sooner was the power, of regulating the commerce of Great Britain, placed exclusively in the parliament of Ireland, than a political convulsion immediately succeeded. What happened between Ireland and the court of Portugal is fresh in your lordships minds. My lords, I have done, begging pardon of your lordships for having so long trespassed on the time and patience of the House; but I could not see a Bill of this nature pass, without my saying what I have done upon the occasion.

The Duke of *Richmond* said, that in many respects he must agree with the noble earl, and must do him the justice to say, that he never heard a series of arguments better digested; though he was not perfectly agreed with the noble earl in all his points. That legislation must go with representation was the clear and indisputable doctrine of the British constitution, and that for which he should always declare himself a firm advocate. The noble lord had said, he was an enemy to the idea of the parliament of England assuming the power to exercise internal legislation over Ireland; and that such an exercise of power was not more offensive to the constitution of England, than subversive of the rights of Ireland. He would go farther: he was ready to assert and maintain, that the parliament of England had no right to exercise external legislation over Ireland; and when he went thus far, he felt himself justified in the extent of his assertion, by a conviction, that no country had a right to legislate for another, either internally or externally, unless that other country choose to submit to such legislation. In the case of Ireland, he was of opinion, that her desiring to be freed from the legislation of the British parliament, was an ample and sufficient reason for complying with her requisition in the fullest manner. He was ready to allow her to be as free as her utmost wishes could look for; but having satisfied Ireland, every man must see that England could not be satisfied; something more must be done to cement the union and connection of both countries. Like men, equally free and independent, they might meet candidly and fairly on this topic, and talk upon it without reserve; each having the same end in view, the formation of a system calculated to promote their mutual interests. In order to shew the necessity, that prompted him to urge this reasoning, the duke desired that the clerk might read the two resolutions of the House, on the 17th of May last, respecting Ireland. The clerk having read them, the noble duke observed, that in consequence

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of these Resolutions the act of the 6th of George 1, had been repealed; by which the more immediate cause of complaint on the part of Ireland had been removed, and the exercise of internal legislation over Ireland solemnly abandoned by the parliament of England. There yet remained, however, the second resolution to be fulfilled; a resolution of infinite importance to Great Britain, since upon the adopting and carrying into execution wise and politic measures, with a view to enforce that resolution, depended the interests of both countries, as far as those interests were affected by the one being connected with the other. Without meaning to oppose the second reading of the Bill, there were circumstances relating to it which materially called for their lordships consideration. The Bill taken separately, as the whole of a measure and system, would be dangerous to England; and what they could not agree to sit under, since it would in fact separate Ireland from every branch of this country except the crown; and many most alarming inconveniences would result from such a separation of interests. It was fit that their lordships should consider these things, not as objections to the Bill itself, but as reasons for their enquiring whether this was to be adopted by the King's ministers as a part of a large and broad system on which the future connection between the two countries was to be founded. Their lordships would please to consider, that not only in regard to peace and war—in regard to rivalship in commerce—in regard to ecclesiastical matters, the separation, created by the present Bill, would be materially alarming to England. Suppose, that England should have occasion to go to war, and Ireland should find herself disposed to remain at peace—should refuse to give aid, and furnish her quota to the cause of the empire—suppose, that in negociations for peace the terms agreed on by the English ministers should be objected to by the Irish—suppose, that in regulations and treaties of commerce with foreign states the Irish should contend with the English; in these and a thousand other possible suppositions, was it possible that this total separation could be submitted to by the people of England? But there were other most important dangers to be apprehended. In Ireland the proportion of Roman Catholics to the Protestants was calculated to be as seven to one. The Roman Catholics had now no share in the legislature, the government, or the defence of the country; but if, in the extension of that spirit of liberality, which was the ornament of the human mind, this claim to an equal participation of the rights of citizens should be admitted; if they should be suffered to make a part of the military establishments, as well as of the legislature of Ireland, and we were to have upon the throne of England a prince tainted with the love of popery; if old religious feuds should be renewed between the subject and the crown, might we not expect that the crown of England would then be able to call an Irish army of Roman Catholics into the field, over whom the legislature of England could have no power, and no influence? This was not a wild chimera; for as he heard the Catholics of Ireland were as seven to one—grant them the privileges of Protestant subjects, and they instantly possess the predominant voice in the Irish legislature. A British king, in such case, with popish propensities, has an Irish parliament devoted to his views, and an Irish army to execute his purposes. In Ireland, too, the Dissenters were no inconsiderable body, and in this as well as in the other case, the influence of the British crown might be very improperly and unconstitutionally augmented, because he might have power without the consent of the people of England.

These were reasons that made it indispensably necessary for their lordships to enquire whether this was to be followed by any other measure; and whether the present ministers had adopted it as part of a system upon which the mutual connection of the two countries was to be established. It was impossible that he, or that any man could rationally trust to the measures of an administration where the principles were so opposite and contradictory. One part of that administration he venerated for their integrity, their talents, their principles, and their virtue; he had the experience of past time to guide him in his approbation of them. The other part of that administration he could never support: their former conduct, their measures, their system, and their principles he had opposed, from the heartfelt conviction that they were pursuing a plan which must ruin their country. From such men he could expect no good; and to such men he could give no support. There was in high office a noble lord (North) who had long been in the practice of pursuing measures, which he could

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not but consider, from the unfortunate events they had produced, as the causes of all our national calamities. Was he to think of the noble lord now more favourably than he had thought before, when in the very moment of the junction, the noble lord, so far from receding from any one of his political opinions, had declared in the House of Commons, that he had not departed from his principles? Let their lordships think a moment upon the nature of that declaration; let them consider the former conduct of the noble lord in question, respecting Ireland; and then let them ask themselves if he was not warranted in desiring to have it explicitly said, whether that noble lord was willing and ready to carry the second resolution into practice?

The noble duke then recited what he conceived to have been lord North's conduct respecting Ireland, and endeavoured to deduce proofs from the recital, that the noble lord had been the cause of all the uneasiness and oppression felt and complained of by Ireland, and of her taking up arms to do herself justice, when she found the British parliament would do nothing for her. His grace stated the frequent attempts made to relieve her trade in trifling particulars, all of which were defeated by the opposition of local interests. He mentioned the Bill allowing her to import her own sugars, which he said was ultimately defeated by the interposition of lord North, on a division of 64 to 58; he afterwards stated the declaration of a noble earl (Gower) at that time at the head of his Majesty's councils, at the end of the session of 1779 (that the Address then moved, respecting Ireland, by the marquis of Rockingham, should not be opposed, if the censure of ministers were taken out), the accompanying promise that something for the relief of Ireland should be thought of against the next session; and the noble earl's subsequent resignation of his office, and his informing the House when parliament met again, that his reason for having quitted his Majesty's councils was, "because the promise he had ventured to make to their lordships had not been fulfilled, and nothing had been done for Ireland." The noble duke dwelt on these particulars for some time; and said, he could not help being induced to predict of the future, from his knowledge of the past; at any rate, his doubts were such, that unless he heard, from authority, that the noble lord, to whom he had alluded, had seen his error, and changed his opinion, and that he was really and sincerely desirous of complying with the second resolution, he should continue to think, that there was no intention to do any thing more for Ireland, but that she was to be left as this Bill left her; which, as the noble earl near him had said, would separate her from Great Britain, and place Ireland in as small a degree of connection with this country as Hanover was in at present. Should that be the case, many of the important considerations, alluded to by the noble earl, would then certainly arise, and the consequences, their lordships must foresee, would be infinitely serious to Great Britain. His grace declared, he had much rather have said, what the House had heard, in the presence of the noble lord, whose former conduct he had spoken so much of. He wondered, as it was known that the noble lord was to be called to take his seat in that House, what could occasion the delay of his coming there. If common report were to be relied on, the reason was a very singular one; report said, the noble lord staid in the other House merely for the purpose of fighting his brother Secretary of State; and that they were to fight upon a question of the very first importance, viz. the intended reform of parliament. If this report were true, and the noble lord continued in the House of Commons, merely till a motion, of which an hon. gentleman (Mr. Pitt) had given notice, came on, what opinion could their lordships entertain of an administration so opposite on such an important question; and in order to defeat which the noble lord staid in the other House?

What he had delivered would serve sufficiently to shew that a part of the present cabinet had uniformly objected to every claim of the Irish, until their claims were supported by 40,000 men in arms; and he stated it as a ground of his jealousy now. He wished to know which of the two systems was to prevail? What was to be the fruit of this heterogeneous mixture? It was not enough for him to be told that there were four to three in the cabinet; and that on this question this party would prevail, and on that question that party. He knew well that in a cabinet so composed, the minority must become the majority when they pleased; for they had this argument to use, and which they would use with effect: if you do not agree to this, we will recede, and without us you have not strength in parliament to go on.

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Could it be seriously required from him, or any man, to give his support to an administration so constituted? Could any man be so irrational as to expect good from such a ministry? Could it be imagined that on this, or any other of the important bills to come before them, they could decide without knowing what was to be done? He therefore took the liberty of asking from the noble duke, who was at the head of this promising administration, not what was to be his system, but whether or not it was the design of the cabinet to follow up this Bill with others; and whether this was only a part, or the whole of their system with regard to the settlement of the relative situation of the two kingdoms?

The Duke of *Portland* said, that it would be a very improper thing for him to divulge prematurely the purposes of the King's ministers; and he confessed he did not expect to have been questioned on a point so unseasonable and extraneous as the future measures of the cabinet with respect either to Ireland, or any other part of the King's dominions. He flattered himself that from the uniform tenor of his life, he should at least have received so much confidence from their lordships as to protect him from the suspicion of making a part of any ministry that should act on principles opposite to those which he had always professed, and up to which he had always acted. He assured their lordships, that while he continued in the station which he had the honour then to fill in his Majesty's councils, he should abide and act by those principles which had always guided him; and whenever he found that those principles were not to be pursued, he should certainly retire from his post. He had flattered himself, that having acted in every instance of his life with integrity, he should have met the confidence that was indispensably necessary for the conduct of public affairs; and that they would have given him credit for being desirous of doing his duty to the best of his judgment, in whatever public station he might be placed; or, at least, that they would have waited patiently till some instance of his failure in the discharge of his duty made it necessary to call him to a public account for his conduct. With regard to the present Bill, it was fully his opinion that it should be passed into a law: what had already been done, as well as what he understood to be the opinion of Ireland, made it necessary. When he had the honour to be in Ireland, he acted by what he collected to be the sense of the country; and the system that was pursued, in the repeal of the 6th of George 1, certainly came up to the wishes and ideas of the people, if their wishes and ideas were conveyed by their parliament, for their approbation was sanctified by almost unanimity. With regard to the present Bill, a particular event had made it necessary. Their lordships well knew what the event was; he concurred in the Bill, not merely because he thought it adapted to the occasion which required it, but because he had learnt, from conversations he had held with many respectable men from the other side of the water, as well as many respectable men here, that the passing of such a Bill would be a circumstance agreeable to Ireland. In regard to any future measures to be pursued relative to that country, there was no occasion for going into a discussion of them at that time. He always had been, and always should be ready, to do every thing in his power to cement the connection between Great Britain and Ireland, on terms of mutual affection and mutual interest. He therefore most heartily concurred in the present Bill; but he submitted to the candour of the House whether it was fair to suspect until there was an appearance of guilt; and whether it was right to call upon him for official communications of future measures or designs. Beside, their lordships would recollect how very short the time was since they had come into office, and in fairness they could not be expected to be fully informed on the various topics in the offices.

The Duke of *Richmond* begged that he might not be understood to have hinted or breathed the most distant suspicion of his grace, or of his particular and immediate friends in the cabinet. The very reason which his grace had given for demanding the confidence of parliament, the experience of former integrity and rectitude, was the exact reason why he must withhold confidence from some of his grace's colleagues. He had the experience of the noble duke's integrity, and therefore he had confidence. He had the experience of lord North's bad principles, and therefore he withheld confidence. The question which he asked was fair, as well as necessary. The noble duke had not thought proper to answer it. There were other ministers present; some of those

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whom he doubted; and he wished fairly to call upon them to say, which of the two parties in the cabinet was to give way; which of the two was to abandon former principles on this important point; and what was to be the system pursued now; and whether the resolutions of the 17th of May last were to be carried into effect?

Lord *Thurlow* professed that he could not see any thing unseasonable or improper in the question which the noble duke had asked. It was applicable to the occasion; and he thought, that without being satisfied on the point, their lordships could not fairly be called to the decision of the present question. What was the question? Was the present Bill the whole or only the part of a system? On what grounds was it to be adopted by the present ministers? For what purpose was it to be passed? To what end was it to be applied? In all this was there any thing which, in the smallest degree, could give embarrassment to ministers in answering? But what was the answer of the noble duke? He looked round for confidence, and claimed it from the tenor of his past life. He professed he was in doubt about the meaning of this word confidence. Did it mean that his grace had no farther plan in view; that the cabinet had no system in contemplation, and that they had just taken this Bill up without enquiry, without discussion, without meaning to do any thing more, or caring whether this was enough? Or did it mean that they had an extensive scheme in view, but parliament must trust to their good character until the proper day should come for making it known? He begged to have the English of the word confidence, that he might know if it was only another word for having no plan of measures; at any rate, he said, he knew of no confidence that could be placed in an untried administration. It was, however, very requisite that their lordships should know on what grounds this measure was taken up, and for what end it was to be carried into effect. The noble duke, who had asked the question, had given very forcible reasons for his doubts; namely, the well-known contradiction of sentiment that there was on this very question in the cabinet. The other noble duke had likewise observed, that he and his colleagues had been so short a space in office, that they could not find time to look over the papers to see what was necessary to be done; but surely neither the noble duke, nor any lord in that House, who was acquainted with the office, would say that the time the Bill had been delayed from Friday to Monday, was not sufficient to have examined every paper that could be there on the subject; and what made this appear more singular, was, that many of those papers must have come from the noble duke himself, and a noble earl his now colleague in administration. Would not their lordships, then, suppose that no men could have been fixed on so capable of speedily determining what was expected, and what ought to be done to secure a lasting connection with our sister kingdom? And yet these men, according to their own accounts, were the most improper and incapable of all persons living. By their manner they would almost lead one to conclude they were entirely ignorant of the contents of the Bill, and suffered it to pass merely because it was brought in by their predecessors; they had nothing at present to propose instead of it; and should it not turn out to be proper, why, the late administration, and not they, would bear the blame. But this did not strike him to be the case; he believed them to be thoroughly acquainted with the contents of the Bill; and if they meant it to be the conclusion of their proceedings, he did not doubt, if their lordships would allow him a little time, but he could so alter the wording of it as totally to effect the separation of the two kingdoms for ever. He said he could but lament the frequent changes which revolutions in politics in this kingdom, made in the lords-lieutenants of that country; the people were scarcely settled with a representative of the crown, before intelligence arrived that they were to part with him, and that another was appointed in his stead; this circumstance was sufficient to make them have a very poor opinion of the councils of this country, and that we were guided by caprice, whim, and unsteadiness: the present nobleman who filled that high office, by his generosity, his large connections in both countries, his affability and integrity, had won their good opinion in a short time; and this was no sooner done than their favourite was to be taken from them! He wished, however, the noble lords now in their places would be a little more explicit, and give the House some information what line they meant to pursue.

Lord *Loughborough* said, that on this question he had no peculiar means of

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acquiring information with respect to the designs of the cabinet. He had no other information than as a peer of parliament; and as such, he must declare freely, that he thought the present conversation, for it was not a debate, on the merits of the Bill extremely irregular, if not disorderly. Not a word was started in objection to the Bill as to itself; but ministers were called upon to divulge their future system, and to declare what were to be their opinions and conduct on matters that were not before the House. He did not think this perfectly consistent with fairness; nor was it the kind of opposition which any ministry would have reason to dread. The present ministers, had been for so short a time in place, and had come into power at a moment of such complicated difficulty, that it was not reasonable nor fair to call upon them for the disclosure of systems which they could not be imagined, with all the industry that could fall to the share of men, as yet to have digested and matured. But, above all, to be questioned on the grounds and meaning of this Bill, was singularly curious. What was this Bill? It was a Bill introduced into another House by another ministry—and that ministry who were the authors of the Bill, who knew best what were its grounds and tendencies, came forward and asked for the reasons upon which it was adopted. If it was necessary that their lordships should be put into full possession of the motives, the views, and the system to which this Bill was intended to apply, the persons who could best give that information were the ministers with whom it originated. He had the happiness to have in his eye the noble lord who first moved for the Bill in the other House, and who conducted it through all its stages there. That noble lord could give all the information that was required, and this surely would be more natural as well as more candid, than to call for the meaning and sense of the Bill from men who had hardly been seated in office; who had not had time to go through the correspondence in the office, and who had not had time to frame, discuss, and determine on any system. But the former ministry had introduced bills, and the present ministry were to find sense and reasons for them. They had all heard, and some of them, when at school, might have made use of the practice of desiring a companion to help them to sense and composition in an exercise; but who ever heard, even in the forms of Westminster and Eton, of school-boys being asked to find sense and grammar for an exercise, which was already delivered into the hands of the censor? The learned lord mentioned several members of the present cabinet, who were the well-known friends of Ireland, and from whom is was not to be imagined that any thing would come hostile to her interests. In the mean time, the Bill would be read with unanimity; for not one syllable had been said against it; and surely it was time enough, when future measures were proposed, to demand to know the system to which they tended. The noble duke had astonished him when he moved for the two Resolutions of May last to be read: he could not conceive what use the noble duke designed to make of them; at any rate it was impossible for him to have imagined, that the noble duke meant to insist on the latter as an accusation against the noble duke so lately placed at the head of his Majesty's government. Those resolutions had been proposed by a noble lord, when the noble lord was in high office; he had afterwards been called to the superintendancy of administration, and had every possible means of obtaining the fullest information upon the subject. The resolutions had been moved more than ten months ago; if, therefore, there was any cause for blame on account of nothing having been done, in consequence of the second resolution, surely that blame was rather imputable to those, who had full ten months time to consider of what was proper to be done, than to the noble duke who had scarcely been as many days in office; and who, from the acknowledged quantity of urgent business on his hands, could hardly be supposed to have been able to have dedicated as many hours—he had almost said as many minutes—to the consideration of the subject. With regard to the confidence expected by the administration of the day, upon the topic of Ireland, his lordship declared, they had a fair claim to that confidence, and ought to be deemed untried men. Two of the members of the present cabinet had both been in high office in Ireland, and each of them had received the thanks and applause of the country for their public conduct, in terms the most honourable and expressive. There was in administration also a noble lord, whose high character, integrity, and abilities were universally known and ac-



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knowledged; and to whom Ireland had returned her most grateful acknowledgments, by repeated public addresses for his services, especially for his having granted her a free and equal trade, a circumstance of which the noble duke had thought proper to take no notice. The noble and learned lord had asked for the English of the word confidence. The noble lord who had introduced this Bill into the other House, would tell him the nature of the confidence that he had experienced. The journalists of the day would inform the House, that the noble lord (Sydney) had complained that words were likely to be misrepresented, and that therefore he wished little might be said on the subject. The consequence of which was, that no explanation of the Bill was asked for—none given—and it passed without any enquiry about the system, of which it was a part, the measures that were to follow, or the consequences it was to produce. In this manner the newspaper reporters stated the Bill to have been introduced; and such was the confidence of the House of Commons in the noble lord near him, that admitting the necessity of the measure, they had read the Bill a first and second time, and passed it without any farther explanation. In stating the matter thus, he was persuaded the journalists must have been egregiously mistaken; because, if the doctrine of the learned lord was founded, the reverse must have been the fact. His lordship concluded, with begging pardon of their lordships for having taken up so much of their time with a speech, which, though from beginning to end it was disorderly and irrelevant, was not more so than the whole conversation had been, since no one lord had said a single word upon the question before the House. In the course of his speech, his lordship termed all that had passed, a mere sprout of opposition, which had sprung up with the season, and had chosen to shew itself that day; but which, as far as regarded the Bill before the House, he would venture to prophesy would neither become a promising nor a sturdy plant.

Lord *Thurlow* contended, that he was not disorderly in taking the present opportunity of desiring to know the principle upon which the present Bill was to be passed into a law. If it was adopted without a principle—if it was taken up on the authority of the predecessors of the present ministers, without their forming any idea upon it, then it might well be said, to resemble a school-boy's task, and the former ministers were to be considered as the prepositors of the present.—But he could not brand them with such a suspicion. He knew their understandings and talents better than to believe them capable of adopting this or any Bill without well weighing its tendency, and settling in their minds the object to which it was to be applied, and the means by which that object was to be obtained. With this belief he thought himself warranted in desiring to know what their system in the Bill was; the second reading was the proper stage for making the stand, and he should, on all such occasions, lay in his claim to the same liberty. The learned lord commented on lord Loughborough's argument, and endeavoured to turn his allusion to school practices into ridicule; declaring, that Ireland would scarcely think herself indebted to the learned lord for putting the Bill under consideration, upon the footing of a Westminster exercise. He also ironically professed, that in the little he had before said, he had not uttered any thing so seditious as a personal attack on any one member of the present administration. In answer to what lord Loughborough had suggested of lord Sydney's having introduced the Bill originally into the House of Commons, without an ample explanation of the reasons on which it was grounded, he declared he would not, on the authority of a newspaper, believe the fact. The late administration could not have acted so contemptibly. His lordship said, the present administration might, for ought he knew, mean to remove one of the greatest men, that ever came into office, from his situation in Ireland. The possibility of this circumstance alone made it highly necessary that the House should know, whether ministers had any system with regard to Ireland or not. If they had not, they were mere school-boys, and ought not to hold the reins of government half an hour. The noble duke, who had put the interrogation, had merely asked, Do you mean to make this Bill part of a plan you may adopt towards Ireland, or is this to be all you intend to do for that country? He had not asked what plan they meant to pursue, or for the least intimation of it, but simply whether they had any plan at all.

Viscount *Townshend* said, it was not candid nor fair to demand from ministers,

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at so early a period after their introduction to office, the system which they were to pursue with Ireland. This, at least, was evident; that if we meant to act a fair, a manly, and an honest part, the present Bill was necessary, since it confirmed what was done in the last session, and none of those alarming evils were to be apprehended from it. The fluctuation of Irish opinions was easily to be accounted for. The incessant change of government must naturally give rise to fresh jealousies and new opinions; and while this very great evil continued, it was impossible that we should expect to see our sister kingdom truly and permanently fixed in her system and sentiments. The noble duke, who desired to know what was to be the plan of the cabinet with respect to Ireland, did it, he said, because he could not trust a discordant ministry. Had not that noble duke, for several months, made a part of a ministry as discordant in their principles as the present? Had he not continued to act with men who differed from one another as widely as men could differ? Nay, had he not shewn how a man might proceed, who wished, without quitting his office, to avoid taking a share in particular measures? During the ministry of the noble duke, it had been seen that a ministry, made up of discords, could act; and what was once, might be again. He mentioned the oppressions Ireland had long suffered, and the æra when she applied for redress. He recited what steps had been taken for her relief, antecedent to the present session, and said, by taking away the appellant jurisdiction from their lordships, and vesting it in the House of Lords of Ireland, they had made the latter a House of Parliament, which it was not before. He reminded the House what they had by their own resolutions given Ireland to expect, and said he conceived that what their lordships had to do at present was, to pass the Bill before them, thereby to fulfil their engagements to Ireland, and convince that country, that they were sincere in their declarations, as stated in the two resolutions of the 17th of May last. He urged the necessity of their doing Ireland the fullest justice, and acting in the most unequivocal manner upon the present occasion. He declared it was his opinion, that for want of acting unequivocally on former occasions, all our misfortunes, including even the loss of America, had arisen; that what they felt in their own breasts should govern their public conduct, and the national honour, like the personal honour of their lordships, be deemed sacred, and on no account to be violated. Public credit depended on the public faith; the abandonment of the latter consequently must prove the ruin of the former.

The Duke of *Richmond* said, that with respect to his own conduct, he would fairly say, that he was never biassed by his office to lend his name to measures or men of whom he disapproved. He did not go into the cabinet for some time, because he disapproved of certain conditions in the peace; and he retired from office, because he never could bring himself to support an administration of which those men made a part, whose mad and impolitic measures had well-nigh ruined the country. He admitted, that something should have been done sooner respecting the second resolution of the 17th of May last, and that certainly ten months ought not to have been suffered to have elapsed, without some step or other having been taken on the subject. With regard to the compliments, which the learned lord had been so lavish in bestowing on the present administration, he declared that he never paid any regard to such sort of praise, unless it was accompanied with reasons to prove it had been merited; it was necessary therefore for the learned lord to give some explanation of that part of his speech, if he expected it to have any weight. He once more urged the noble lord in the green ribbon to give the House some assurance of the intention of lord North with respect to Ireland; and said, that he not only expected, but prayed for disunion in the cabinet; it would, in all probability, be the speedy means of destroying an unnatural coalition. He took notice of what fell from lord Loughborough, and said, it was curious to see that noble lord, who had distinguished himself a twelvemonth ago, by being the only person in that House who stood up to oppose the independency of the Irish parliament, now become the advocate of the present Bill. He persisted in his right to call for the explanation which he had desired, and said, that neither what the noble lord had said now in his equity character, nor what he had said in his law capacity, had made him sensible that he was wrong.

Lord *Loughborough* said, that he was very much embarrassed, since he had not



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the resources of some men when in difficulty, as it had never been a part of his conduct in life to make apologies or explanations. What he had said last year, he considered himself responsible for, and he would maintain what he had said. It did not contradict what he said now. He said now, that the Bill of last year not having given the satisfaction it was intended to give, the present Bill was necessary to complete that measure; and in the mean time we had no right to call on ministers for future designs. He denied that he had paid any compliments to the present administration; he had barely stated the history of undeniable facts. He then pointed out the particular occasions on which Ireland had addressed lord Carlisle, the duke of Portland, and lord North, in terms of gratitude and applause for their conduct towards that country.

The Duke of *Chandos* vehemently attacked the present ministers for the steps which they had taken to seat themselves in office. Royalty had been outraged by preremptory conditions; and they had in fact seized on the high stations of government by force. He particularly arraigned the conduct of lord North, and said, that not being able to get again upon the state coach-box, he had been content to get up behind. He wished the noble lord, who was to be brought into that House, had taken his seat there, that he might have had an opportunity of stating, in his presence, those parts of his former conduct as a minister, which rendered it impossible for him to lend his support to an administration, in which the noble lord had any share. His grace then went into a detail of the conduct of the noble lord respecting Ireland, in 1779 and 1780, and mentioned the famous declaration of earl Gower, on his resigning the presidency of the council, so much to his own honour and the satisfaction of his country. He next stated, what he had seen in Ireland, respecting the arming of the people, and charged lord North with having induced his Majesty to strike a gentleman of the first abilities, and the highest character, off the lists of the privy council of both kingdoms; and to put another upon them, by no means so well entitled to that distinction. He asserted, that his Majesty's closet had been assailed and taken by force; he repeated the words "by force," and declared he could bring proof of his assertion, and that parties fought now for the loaves and fishes only. Such had been the struggle of the present ministers to provide for their dependents, that they had torn from about the person of the sovereign all his old friends and acquaintance. The duke passed a high compliment on the late Lord Chancellor, declaring him to have been the ablest man and the greatest character that ever filled the elevated and important office which the learned lord had lately been forced to quit. A better proof of his distinguished talents and integrity could not be desired than the fact, that on the learned lord's resigning the seals they were obliged to be put in commission, no individual having been thought qualified to be his successor.

The Earl of *Carlisle* reprobated the use of the word "force," when applied to the measures by which the present ministry had come into power. He declared he knew nothing of any such circumstance, nor did he understand what was meant by force; unless refusing to support an administration, who, when they had it very much in their power to do otherwise, had terminated the war in so awkward a manner, that they had left a sting in the bosom of every man, not destitute of humanity, could be termed force. If that was force, he for one pleaded guilty; but as to the slightest personal disrespect to the person of the first magistrate, he denied that any had been offered, and he trusted their lordships would not impute such a charge to the ministers on the solitary assertion of an individual, however high and respectable his rank might be. No man could have a greater veneration for his Majesty than himself; and surely it was not forcing the crown when men agreed in disapproving of a negociation for peace in which there were conditions that made the hearts of feeling men shudder.

The Earl of *Radnor* rose to rescue what had fallen from the noble duke, relative to the closet of the sovereign having been assailed and taken by force, from the imputation of its being the solitary assertion of an individual. His lordship declared, he verily believed such insults had been offered to his Majesty as our free constitution by no means warranted. He said the people were too affectionate and too loyal to their sovereign to have suffered his royal mind to have been vexed and harassed by rude and improper demands. They would have stood by their prince in spite of any faction or any party, however powerful, and have shewn, by their

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zeal and attachment, that a king, who reigned in the hearts of his subjects, would be supported by them under any misfortunes, either foreign or domestic, and protected equally from the insults of foreign enemies, and of his own subjects. His lordship spoke very handsomely of the earl of Shelburne, who had been driven from his office by a vote of the House of Commons. He said, that noble earl stood ready to meet the judgment of his country; but though the House of Commons had declared the peace inadequate, they dared not enforce their vote, and institute an enquiry, with a view to censure and punish the person who made the peace.

The Marquis of *Carmarthen* said, that as these very ministers, who had so pointedly condemned every article of the preliminaries, were yet to adopt them as the ground of the definitive treaty, surely it would be wise to say as little about them as possible. The learned lord, who, among others, now held the seals, had declared that one of the articles was illegal; then how could he put the Great Seal of England to an article which was contrary to law?

The Earl of *Carlisle* begged to be understood. He said, that they had agreed in reprobating a measure at which the hearts of feeling men must shudder. Men must know, that he meant the abandoning of our friends in America; but in the preliminary articles, the national faith being pledged, his Majesty's ministers would certainly think it their duty to conclude the definitive treaties.

The Bill was then committed.

*Debate on Mr. Dundas's Bill for the Regulation of the Government of India.*] April 14. Mr. *Dundas* moved "for leave to bring in a Bill for the better regulation and government of the the British possessions in India, and for the security and preservation thereof. This motion he prefaced with a speech, in which he opened the plan that he intended to pursue in his Bill. He touched on four principal heads. The first was relative to the government-general of Bengal: here he intended to have a governor and council, who should have a controlling power over the inferior governments of India; and to the governor-general he meant to give much greater power than had hitherto been given to persons in that situation; for he would have him vested with power to act even against the will and opinion of the council, whenever he should think that in so doing, he was acting for the public good: but in such a case, as he should have the sole power, so he should have the whole responsibility on himself.—The second head he touched on, was relative to the inferior governments: in these he did not mean to give the governors a power to act contrary to the advice of the councils; but he would allow them a negative on every proposition till the determination of the governor-general and council of Bengal should be known.—The third head related to the zemindaries, and other tenures of lands. In the year 1573, when Hindostan was conquered by the Moguls, a tribute was imposed on the zemindars; and while they continued to pay this tribute, they considered themselves as absolute masters of the soil: they let out their zemindaries in parcels to the ryots at certain rents, and while they performed the conditions of their tenures, they looked upon themselves as secure, as permanent, and as stable as any freehold in England is to its owner. This wise principle obtained till the year 1728, when a very opposite and very destructive one began to prevail, namely, that the emperor of Hindostan was the absolute lord of the soil. This principle he would totally overturn, and introduce another, which should give permanency to the landholders in their respective tenures.—The fourth head was relative to the rajah of Tanjore, and the nabob of Arcot. He was sorry to say, that there had been pains taken to keep up, in the minds of the latter, hopes and expectation of recovering certain territories from the former, to which he pretended to have a claim; and at the same time to fill the mind of the rajah with fears that he should lose those territories, to which he had an undoubted right under solemn treaties with the Company: upon these hopes and these fears, there were not wanting persons who laid the foundation of their fortunes; but this foundation he would remove, by putting an end to the hopes of the one and the fears of the other; which should be effected by securing to the rajah, by act of parliament, all he at present was possessed of. He then mentioned the debts of these two princes, and said that they ought to be minutely enquired into, because though he doubted not but some of them might be just debts, still he was of opinion that the greatest part were the debts of corruption. He stated the necessity of re-



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calling Mr. Hastings, and making such regulations for the future, as should prevent the court of proprietors from acting in direct opposition to the sense of the parliament. He would leave a blank for the name of the new governor-general that should be sent out to re-place him. He said that a person of high rank and birth, who should leave behind him as a pledge for his good conduct, not only his own personal honour, but also the honour of his ancestors; a person of independent fortune, who had not for object the repairing of his estate in India, that had long been the nursery of ruined and decayed fortunes; a person who, to the character of governor, should be enabled, by his profession, to add that of commander in chief; a person whose integrity and high reputation in arms, for skill, valour, and economy, such a person, he said, would be most proper to fill the high office of governor. He declared he could have no view whatever in such a nomination, as he had never conversed on the the subject with any person, and was totally ignorant who might be appointed, except as to one, and that was too notorious for him not to have a knowledge of it. The late administration, in looking round the kingdom for a fit person to take the supreme government of India upon him, naturally directed their attention to that man, of whom all men and all parties were lavish in commendation. A man of family, of fortune, and the most unsullied reputation. A man who to serve his country in the hour of danger, had already been led to quit all the endearments of domestic life, and, deaf to private calls of the tenderest nature that the heart of man could be assailed by, was unshaken in his purpose of devoting his existence and his cares solely to the public. On the virtues of this man the late ministry built, and justly built, all their hopes of the salvation of our dying interests in Asia. Here there was no broken fortune to be mended —here was no avarice to be gratified. Here was no beggarly mushroom kindred to be provided for—no crew of hungry followers gaping to be gorged—no; but a nobleman was singled out for this business, than whom I challenge, said the Lord Advocate, any man in this House, or out of it, to say, a more fit person in his Majesty's dominions could be found on the occasion—a more fit did I say! I challenge the production even of his equal for the employment. Where will you meet with one who unites in himself so many of those qualities that are absolutely necessary for the important station to which it was in the contemplation of the last ministry to call him. Shew me the man whom health of body and of mind enable to take upon him the supreme command in India, who adds to these requisites a military fame of the first lustre, not only among Britons, but every nation in Europe? Shew me the man whose economy and integrity in the discharge of his duty as a commander in chief are equally conspicuous? Where is the man whose gentleness of manners so fits him to win the affections of the oppressed East Indians? Where is the man who will be hardy enough to start up in competition with such a character as this, who will at the same time say what lord Cornwallis can— "I leave you, as pledges for the propriety of my conduct in India, my own unspotted reputation, and the untarnished roll of an illustrious ancestry. I am not a needy upstart adventurer; I have no temptation to quit those honourable paths in which hitherto I have walked. I thank God I am in possession of competence to support my dignity, and have every reason under heaven to spurn any vile means that might offer to degrade by unjustly enriching me." In a word, continued the Lord Advocate, here, honour, bravery, skill, dignity, and every virtue that can adorn public or private life, offers itself to the nation for employment, in now its greatest concern; and if these talents are rejected, the present administration will do a mischief that Great Britain will rue for ever. India is most critically situated. I hear, indeed, that a peace is concluded with the Mahrattas; whether it be true or no I cannot say; but this I know, that the villainy of the government in India had brought about a coalition between the most inveterate enemies that could possibly be conceived—between Hyder Ally and the Mahrattas, people who had been continually fighting for years, and committing the most infamous offences against each other; and unless the present ministry have a predilection for coalition-mongers, I trust they will prefer a man of honour and honesty to the supreme command in India, before a man who may have been one of, or shewn any countenance to, that government, that has shewn so curious a display of their skill in match-making. He concluded with moving for leave to bring in the Bill.

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Governor *Johnstone* entered into a defence of Mr. Hastings; and instead of being of opinion that he ought to be recalled, he pronounced the highest panegyric on him. He said that he wondered no account had been received of the particulars of the peace concluded by that gentleman with the Mahrattas; he himself, however, had received a copy of the treaty, which he then held in his hand, and which was sufficient of itself to immortalize that great man; his intelligence was, that the peace had been announced at Madras by the firing of the cannon, and a *feu-de-joie* by the army: the treaty was too long for him to read to the House, but he would read the 9th article: this stated that the Carnatic should be evacuated by Hyder Ally, that the Mahrattas and the English should not assist each other's enemies, and that no European nation, except the English, should be permitted to have a factory in any part of the Mahratta dominions. This treaty was signed in March by Madajee Sindia, on the part of the Mahrattas, who was one of their chiefs and general of their forces, and who had promised that he would assist in carrying into effect the articles of the treaty: the treaty was ratified at Calcutta, and had been sent to Poona to be ratified by the ministers of the Mahrattas; but it being known at Poona that Mr. Hastings was to be recalled, and that the king and parliament of Great Britain had taken the affairs of India into their own hands, the ratification had been suspended until it should be known whether the king would ratify it. He then stated the immense resources that Mr. Hastings had found out, to feed the war, and the incredible supplies that he had raised; which could not have failed of success, if France had not made the most astonishing efforts to become masters in India; for they had spent 7,000,000*l.* sterling in that service; they had sent out 17 sail of the line, 11 frigates, and 16,000 men; and, above all, a commander of the most singular and determined character; for M. de Suffrein, in a correspondence that he had with sir Edward Hughes, relative to the exchange of prisoners, said, that he would send all his prisoners, not to Bengal, but to Negapatam; the measure might appear harsh, but sir Edward might treat him as harshly, if the fate of war should make him his prisoner; assuring him at the same time, that he was determined that one of the two squadrons on that coast should be entirely destroyed: such was the determined officer who could alone render abortive the immense exertions of Mr. Hastings.

Lord *North* said, that dispatches had been sent over-land, others had been sent on board each of the company's ships, and another had been put on board a king's frigate; but from what cause, he knew not, she had not yet put to sea. Another dispatch had been sent to Mr. Fitzherbert at Paris, in order that it might be forwarded by the first French ship that should sail for the East Indies.

Mr. *Burke* declared himself mortified at all times when he was obliged to differ from the learned lord in opinion. He was as much disposed to pay every tribute of respect to the merits of the noble personage he had pointed out as a very fit person to go out to India, with powers of vast extent, but at the same time he was so much of a plebeian as to think that the high post of honour might as well be filled by a man of middling rank in life. Mr. Burke replied to some other parts of the Lord Advocate's speech, from whom he differed in several things. He likewise remarked that the learned lord was now in opposition to a body of men collectively, to whom he had formerly given, as individuals, his support.

Mr. *Fox* combated the Lord Advocate's arguments in a most masterly stile of argument, and declared himself at a loss to guess who the learned lord could mean, when he compared their junction to that of Hyder Ally and the Mahrattas.

Leave was given to bring in the Bill.

*Debate in the Commons on the American Manifest Bill.*] April 15. The order for the second reading of the Bill for preventing any manifest, certificate, or other document, being required for any ships belonging to the United States of America, arriving from thence at any port in this kingdom, or upon entering or clearing out from any port of this kingdom for any port within the said United States; and to give to his Majesty, for a time to be limited, certain powers for the better carrying the said purposes into execution, being read,

Lord *Sheffield* declared, that when the business of opening the trade with America was first agitated, it did not seem to him improper to leave it to negociation, and in the mean time to give certain powers to the king in council, but he was

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now so much alarmed by the opinions thrown out by those who might have the management of the business, that he could not avoid expressing his doubts and difficulties. The right hon. secretary (Mr. Fox) had distinctly shewn the intention was to consider the subjects of the United States as British subjects for the present, at the same time avowing they should not be put on so good a footing by treaty. His lordship observed, there could be no propriety in putting them for a moment on a better footing than was afterwards intended: once having got such advantageous ground, the difficulty would be to get them from thence; and putting them in that situation, we gave every advantage over us in negociation, and it could and would not be their interest to conclude or hasten a commercial treaty, which was to deprive them of the double advantage they derived from being treated as British subjects, and at the same time actually possessed of independence, consequently enjoying greater advantages than ourselves. For his part, he had heard no satisfactory argument against considering them at present as a foreign nation, the natural consequence of their asserting independence. But perceiving how the business was now to be transacted, he was still more alarmed by the disposition shewn two or three days ago, to shake off responsibility, and throw it on parliament. We were told the treaty should be laid before us for our approbation; but the mischief would be done, as in the case of the peace; and if the ministers should prove themselves as incapable of negociation and as negligent as their predecessors, it would be poor satisfaction to the country to see another set of men get possession of their lucrative employments. But the ministers intending, at the convenient time, to shake off responsibity, now, however, were eager to take the whole responsibility on themselves, and did not desire the opinion of parliament. If the ministers were wise, if they were not self-sufficient, they would wish the principle to be marked by which they were to be guided. The House seemed ready to point out the line the nation would not go beyond, and there could not be a more proper business for a committee of commerce. If he found a proper opportunity he intended to submit some clauses, which were principally intended to act as guardians to the Navigation Act. At all events, it would not be improper to let the ministers know the country expected the principle of the Navigation Act should be kept entire; the country was as tenacious of the principle of that Act as it possibly could be of the principle of Magna Charta. The ministers should understand that the carrying trade must not be given up; they must reserve to our remaining dominions the exclusive trade to the West India islands, otherwise the only use of them would be lost; they must confine the states respectively to the carrying of their own produce only, otherwise we should have none of the carrying trade. The Navigation Act gave us the trade of the world. If we altered that Act, by permitting any state to trade with our islands, or by suffering any state to carry into this country any produce but its own, we deserted the Navigation Act, and sacrificed the marine of England; but if the principle of the Navigation Act was properly understood and well followed, the country might still be safe. He concluded by saying, the treaty should be the test of the abilities and good management of the new ministers, at least with him, it would decide the degree of confidence he should give them in future. It was the most important subject for negociation the country had ever known. It was to decide whether we were to be ruined by the independence of America or not. The peace, in comparison, was a trifling object; and if a neglect of one interest more than another deserved impeachment, surely it would be the neglect of this.

Mr. *Jenkinson* objected to the clause giving powers to the crown, unless a proviso should be added to prevent any alteration in the duties to be paid.

Governor *Johnstone* did not see the necessity for giving powers of so large a nature to the king and council, and thought it would be more becoming both the duty and wisdom of parliament, to make the regulations which were to be left by this Bill to the cabinet ministers.

Mr. Secretary *Fox* reminded the House, that he had moved the Bill originally for the purpose only of rescinding certain legal restrictions, which, under the present circumstances of the country, could not be complied with, and had admitted the clause, giving powers to the crown, in deference to what appeared at the time to be the sense of the House.

Mr. *Eden* desired the House to advert to the first clause more particularly than

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they had yet done, as it would appear that such a clause alone was not sufficient either to regulate, or even to open the trade. That clause exempted ships from the necessity of producing manifests, or certificates; undoubtedly it was so far a right provision, because manifests, which were the vouchers required to be brought from Virginia and Maryland of the quantity of tobacco shipped, could no longer be either asked or given; and certificates, whether taken as returns to the bonds on bounties and drawbacks, or to prove the built and property of the ship, were also impossible to be obtained, because we no longer had officers in the thirteen states. But much more remained to be done; the export of teas must be arranged; the question must be decided about the drawbacks, which were at present unfavourable to the colonies; the great question of the aliens duty; the nature and extent of the intercourse with the loyal colonies and with the West-India islands; and various other doubts; all which were difficult and inexpedient to be decided at the very hour, when a commercial treaty was supposed to be depending; and these considerations had induced, in the opinions of many gentlemen, a necessity of giving discretionary powers for a limited time to the crown.

Mr. *Hussey* wished that the Americans might be put on the footing of the most favoured nation, but still he thought that a duty ought to be laid on American oil. He believed that the Bill would not give satisfaction to the Americans, who would look upon it as a snare insidiously to entrap them.

Mr. *Fox* said, it was impossible that the Americans should be offended at a Bill which had no other tendency in the world, than to remove certain obstructions that stood in the way of an intercourse with the United States. The Bill that had been postponed for three weeks, would establish regulations; but the present Bill went merely to open the way, and had nothing at all to say to regulations.

The Bill was read a second time.

April 23. The House being in a Committee on the Bill,

Sir *Roberts Herries* stated two grounds of difficulty that the law would establish. As the law stood, there was a necessity for all ships, as well British as foreign, to be furnished with bills of lading of clearances; nay, it was not the law of this country only, but of all the world, for the purpose of preventing smuggling and contraband trade; but if the present Bill should pass, there would be a door opened to the smugglers of all nations to come into our ports, under the denomination of Americans; and smuggling, which so many laws had been made to restrain, would, in fact, be established. He would suggest, therefore, the propriety of placing the Americans in this respect, on the same footing with all other nations. He supposed a case where this country might be ruined by freeing the Americans from the necessity of shewing any documents on their arrival in the ports of Great Britain: if, for instance, the plague was raging in any part of the United States, the present Bill would not leave in the government a power to insist on the production of bills of health, by American ships, or to compel them to perform quarantine. These were difficulties which ought to be obviated; and he made no doubt but he should find a readiness in ministers to provide against them.

Mr. *Fox* observed, that the only object of the Bill was to remove certain obstacles that stood in the way of an intercourse. The regulations would be brought forward in proper time; and he could inform the hon. member, that there was a clause in the Bill for granting certain power to the crown, that obviate any difficulty that might arise from the raging of the plague in America. Had the late ministry, in their adjustment of the provisional treaty, inserted some one article or other, that had a reference to a future treaty of commerce between America and Great Britain, they would have not only done their country a very essential piece of service, but have saved the present Government and both Houses of Parliament an infinite deal of trouble, and relieved them from a difficulty, which, in every point of view that it could be considered, would be found to be of great magnitude. Had the late ministry, for instance, not only by their treaty agreed, that a cessation of hostilities should take place, in the strict and common sense of the words, viz. by the armies of the two countries no longer continuing to fight, or make war on each other, but in a more general acceptation of the term, namely, that from and after the ratification of the provisional treaty, all sorts of hostilities should cease; and that the prohibitory laws that impeded the commerce of the

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two countries should no longer have effect on either side; in that case, undoubtedly, there would have been little or no occasion for the present Bill. As they, however, had not made the provision necessary to prevent the embarrassment the country now felt, it became the duty of the present ministers to apply the best remedy that the nature of the case would admit; and as he did not doubt but that every gentleman saw the necessity of immediately opening an intercourse with America, they would join with him in thinking, that if they were to look to every possible case that might arise, instead of embracing the object of the Bill without delay, they would scarcely ever be able to attain it.

Mr. *Arden* was anxious that the House should be cautious how they trusted too great a power to the crown; and wished that the Bill was so worded, as that the extent of this power might be defined. It was undoubtedly necessary, in the particular case in question, to give very extensive powers to the crown; but it appeared to him to be by far the wisest way to express in the Bill, the full extent of the powers so vested in the crown, in order that gentlemen might not at a future period say, that when they voted for the Bill, they were not aware that they gave, and that they never meant to give, powers to such an extent. Mr. Arden, after urging the necessity of this in strong terms, proposed to insert the words "duties, drawbacks, or otherwise," in the clause under consideration.

This occasioned a conversation between Mr. Fox, Mr. Eden, Governor Johnstone, Mr. Bacon, Mr. Thornton, and Mr. Arden, in which it was on all hands agreed, that the Bill was indispensably necessary, and Mr. Fox having declared his readiness to adopt any proposition not likely to defeat the aim of the Bill, the amendment was agreed to.

*Debate on the Terms of the Loan.*] April 16. In a committee of ways and means,

Lord *John Cavendish* rose to open the budget. He said, that if ever man in his situation had occasion for the indulgence of the committee, he must be the man, who, before he had been much more than ten days in the office of Chancellor of the Exchequer, was under the necessity of negociating a great loan. The short time he had been in his office had been wholly devoted to this business. He lamented extremely that there had been occasion for so many loans as the public had been burthened with; and still more, that it should have fallen to his lot to make a bargain for a loan in addition to those already raised; but, since the exigency of affairs required it, he had endeavoured to discharge his duty to the best of his abilities; though he had never passed so fatiguing a period in the course of his life, still it was not to be expected that he could be now prepared to come with the whole of the budget: all that he could submit to the committee on this day was merely the loan. He had treated with a set of gentlemen, who were capable to raise the money; but they differed about the terms: the only criterion by which he could be directed, was the market-price of the stocks at the time of concluding the loan; but even that was neither a precise, nor an infallible criterion, because the committee well knew, the stock-holders, generally speaking, were not all of them persons who depended upon the public annuities for their subsistence, but many of them, perhaps the greater number, held stock merely for the purpose of traffic and gambling. The day on which he proposed to close with these gentlemen, the 3 per cent. were at 67, the 4 per cent. 84; and it was at these prices that he wished to make the loan; but the gentlemen refused to take the 3 per cent. at more than 66, and the 4 per cent at more than 83: upon this the negociation was in some measure suspended; but the gentlemen afterwards agreed to split the difference, and he closed with them on this ground. He confessed that the bargain was more advantageous to the money lenders than he could have wished; but considering the danger of delaying the loan till after the holidays, he thought it better for the public to conclude the bargain then, than to meet all the consequences that might flow from a delay. He wished to have extended the loan to a greater number of bankers than those who had made proposals, in order to avoid the imputation of having served favourites to the exclusion of the trade in general; but they would not consent to it. However, he had reserved part of the loan to distribute among the other bankers, giving to the original proposers 7,700,000*l.* Having said this, his lordship recapitulated the several heads of service already voted, with the amount of each distinct head;

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and having gone through the enumeration, he stated the gross amount of supply already voted was 16,812,568*l.* 2*s.* 11*d.* a sum which exceeded the amount of the ways and means by several millions. The loan was for 12 millions. The bargain as it concluded was as follows:—100 3 per cent. at 66½, 66*l.* 10*s.*; 25 4 per cent. at 83½, 20*l.* 17*s.* 6*d.*; 13*s.* 4*d.* long annuity, 20 years, 13*l.* 6*s.* 8*d.*; four tickets for each 1,000*l.* valued at 13*l.*, 1*l.* 4*s.*; to which might be added the discount, 1*l.* 10*s.* making 103*l.* 8*s.* 2*d.* Having stated this, his lordship said, he had spent a very uneasy time between the Friday and the Saturday, fearing, that by endeavouring to obtain better terms for the public, he should eventually put them in a worse situation than they would have been in, had the bargain been concluded on the terms proposed by the money lenders; the bargain, however, being concluded on the Saturday, as he had wished, he was happy to know, that his holding out had proved beneficial. With regard to the distribution of the loan, his lordship said, the greatest part of it was taken in the lump by the eleven bankers, and others, with whom he had made the bargain; a part of it had been allotted, as usual, to the great public companies, and some had been distributed by himself. The endeavour to find out who were the proper persons to whom it ought to be distributed, had cost him some pains, and that to no purpose; for he said, the more he enquired, the farther he found himself from obtaining knowledge that he could depend upon; all the persons he asked, being so far blinded by prejudices and partialities, that each magnified the importance and responsibility of his own friends, at the expense of those mentioned by others. At last, therefore, he took it wholly upon himself, and however ignorantly or negligently he might have distributed it, he trusted it would turn out that he had distributed it fairly and impartially. He concluded with moving a resolution, "That, towards raising the supply granted to his Majesty, the sum of 12 millions be raised by annuities; and the farther sum of 480,000*l.* by a lottery.

Mr. *W. Pitt* admitted, that very great indulgence was due to the noble lord, on account of the short time he had to transact a business of such magnitude; but though he was as ready as any man to treat the noble lord with candour, still a loan was a thing of such a nature, that a member of parliament ought always to consider it with jealous eyes: on this principle, he begged the noble lord would not think it uncandid in him, if he should deliver his sentiments on the loan, with that freedom which became a member of parliament, but, at the same time, with all that respect that was due to a person of the noble lord's amiable and upright character. He could not agree with the noble lord, that the market price of stocks on the day when the loan was concluded, ought to be taken as the criterion on which a loan ought to be concluded; it was well known, that even the rumour of a loan would cause a depression, or fall of stock; but there surely was a wide difference between a real and fictitious fall; and nothing proved it more clearly than this, that while the loan was depending, the stocks fell; but as soon as the terms got wind, they rose again; and had been done this day, the 3 per cent at 67¼. It was also well known that time bargains had been made, for the beginning of May at 68½, and even at 69; and, therefore, he could not approve of a bargain that rated the 3 per cent. so low as 66½. From the present price of stock, compared with the terms of the new loan, it would appear on a fair calculation of discount, lottery ticket, &c. that the premium to the money-lenders was a good 6 per cent.; a premium much greater than, all circumstances considered, they had a right to expect. There were two modes by which he thought the money-lenders might have been induced to subscribe on terms much less disadvantageous to the public. One was to create a competition among the dealers, by procuring different sets of bidders; this competition would, of course, redound to the benefit of the public. As a proof of the economical use of setting up a competition, Mr. Pitt mentioned the great savings that had been made for the public by the late ministry, with regard to contracts, &c. which had not, as heretofore, been given to particular persons, as favour or interest directed, but which had been made with the lowest bidder. But if a competition could not be created, then the whole of the loan might be offered to the only set that did bid; and then they probably would consent to take a less profit on a larger capital. This latter mode ought, undoubtedly, to be preferred by a minister, for it was an ungracious, and even an improper thing for a minister to keep to himself the power of parcelling



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out several millions in a loan; and a House of Commons ought always to look to such a measure with the greatest jealousy, because the distribution might be made to answer the end of corruption, and extending an undue influence, where no influence ought to be felt. He hoped the committee would not suppose that he entertained the smallest suspicion to the prejudice of the noble lord; he knew he was incapable of acting intentionally to the injury of the public; but still it was his duty to remind the committee, that danger might be apprehended from a measure, that put it in the power of any minister to keep, in his own hand, the distribution of a loan that would produce so great a premium or profit as 240,000*l.* Mr. Pitt argued this point, on which he laid particular stress, with great ability, repeatedly declaring, that he did not doubt but that a list, sealed up, had been delivered into the Bank previous to the loan being settled, and every other necessary precaution had been taken to defeat and wipe away any surmises that might be entertained. He asked if offers had not been made by very responsible persons, who had conducted the negociations for the last year's loan, to create a competition, and bid against the gentlemen who had treated for the present loan? He also mentioned, that a loan at five per cent. would probably have been obtained, if borrowed on condition of redemption at any short-given period of time. This led him to take notice of a declaration which he had once heard on a similar occasion formerly, viz. that the stock allotted for the loan was merely nominal, and that it mattered not what it was called, since it was to be regarded solely as a perpetual annuity. Such arguments, he deprecated, as exceedingly impolitic and pernicious. If ever it got abroad, that it was the received opinion, that the principle of the national debt was not to be discharged, and that a view to the redemption of the funds was not the main ground of every loan, and seriously entertained, and anxiously aimed at, whenever opportunity would admit, the consequences would be fatal. Nothing could be more obvious, than that such doctrines must disable us from undertaking any future war, and induce the ruin of this country; he, therefore, was determined never to hear them glanced at, without rising to reprobate them, being resolved to resist the proceeding to borrow money, upon ideas so pregnant with national mischief and ruin, with all the power and abilities that he was master of.

Lord *John Cavendish* assured the right hon. member, that his fears, arising from the idea that a profit of 240,000*l.* might be distributed for the purposes of influence, were without foundation: if he had kept any part of the loan from those who had negociated it with them, it was not for the purpose of giving it to members of parliament. After he had given 7,700,000*l.* to the gentlemen who had treated with him, he gave 1,300,000*l.* to the great trading companies; and 94,000*l.* among the clerks in the different public offices, which he understood to be conformable to custom, as such a sum was usually distributed among them; of the remaining sum of 2,910,000*l.* he had distributed 2,200,000*l.* among the other bankers of London, who were not concerned with those who had treated with him. Complaints had been made that former loans had been confined to favourite bankers, by which others had been injured in their trade; in order, therefore, to take away all ground for similar complaints, on the present occasion, he resolved that each house should have a share proportioned to their credit and opulence: and here he could not help paying a just tribute to Messrs. Biddulph and Cox, for whom he intended 80,000*l.* or 100,000*l.*, but whose name he forgot to set down in the list; but having afterwards recollected his mistake, he sent to them to apologize for his neglect; Mr. Cox, in consequence of this, waited on him; and, in the most handsome manner, excused his forgetfulness; and was so polite as to be satisfied with the proposal he then made to Mr. Cox to write to the other bankers, to get them to give back a share of what they had got: his lordship writ to them, and they readily gave up a part to Mr. Cox, who, by this means, got some share in the loan, though a smaller one than he intended to give him. In this manner had been distributed such part of the loan as he had reserved in his own hands, and not a shilling had been given to men who had not mercantile connections. From what he had said, the right hon. gentleman would see, that so large a sum, as he had imagined, did not remain in reserve for his distribution. As to what was meant by the term 'ministerial allotment,' he was at a loss to imagine. Certain he was, no part of the few hundred thousands that

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remained, had been given for the sake of influence, or with any political view whatever. So far from it, members of parliament might almost be said to have been proscribed by him, the whole sum having been distributed among mercantile persons. He might have made the distribution ignorantly, he might have done it mistakingly*; but whenever the list was seen, and he was sure he had not the smallest objection to its being seen, he was confident it would be found, that it had been distributed impartially. As to the competition which the hon. member wished had been created, he could safely say, he wished it as sincerely as any body; but he had not been able to create it; he wanted to extend the negociation, to take in other parties, but those who had treated with him, would not consent to it; and he was free to say, he was not so sanguine as to take for granted, that others, who might make offers, would be able to make good their engagements. But the hon. member was of opinion, that if the whole of the loan had been given to those who had treated, they would have consented to better terms for the public; but in this he was mistaken; for he made the proposal to them, and they refused to take the whole of the loan, on condition of taking less profit. The hon. member desired to know if proposals had not been made to him from persons who were desirous to raise a competition, and offer better terms to the public; he would tell him, in reply, that he had received a letter, indeed, on the subject, but it merely recommended, but did not promise a competition.

Mr. *W. Pitt* said, he understood an offer was made in writing by the persons who had the loan last year, which offer was not attended to, and which, if it had, might have prevented the shameful and exorbitant premium given at present. He the rather urged this, because he had been informed, from what he conceived to be good authority, that an application in writing had been made on the 7th instant, by four capital money-lenders, offering to bid for the loan. He insisted on it, that ministers ought never to have the distribution of the loan, because it must ever create jealousies that such a power would be abused, and only exerted to influence the conduct of gentlemen in that House. The loan should always be given to those whose terms were most beneficial to the public; there ought to be no preference shewn to this or that banker, but in so much as his or the others offer was best. He said the noble lord, had proved that a reserve of so large a size, as he had imagined, had not been made for ministerial allotment; but that did not affect his objection, which was, that a minister should have no hand whatever in distributing the loan. The distribution of the smallest part of it should have been avoided, and the rather, as by that means he conceived better terms might have been obtained for the public.

Mr. *Martin* could not resist the relation of a circumstance with which he was concerned. It was well known, that he had frequently declared his sentiments in that House, against the admission of members of parliament, to a participation of any loan. Having stated this, he thought himself bound to mention, that the noble lord who negociated the loan, had sent to the house with which he was connected, expressing his good opinion of it, and informing his partners, that the house should certainly be considered in the distribution of it. An answer to this was sent to the noble lord, acknowledging his kind intentions, and a farther one promised in the course of a short time. After he had considered the matter within himself, he had written to the noble lord, acknowledging the kind attention with which he was pleased to honour the house which Mr. Martin was concerned in, and assuring his lordship of every sensible impression that it made upon his mind. Mr. Martin, as a member of parliament, disclaimed all idea of accepting any part of the loan; but by that he did not mean to exclude his partners from any profit they might make, by taking a share of it in the regular course of business. He however called God to witness, that should his partners partake of the loan, he would by no means share any of the profits arising therefrom.

Mr. Secretary *Fox* rose, and before he entered into the consideration of the terms of the loan, took notice of some things that had been said. He gave Mr. Martin credit for having sent a very honourable letter to his noble friend, but declared, that nevertheless, the same sum had been given to the house, as had been intended before the letter was written or sent to his noble friend, a pretty strong proof that the promotion of ministerial influence was not the object that directed his noble friend's conduct, when he, in a manner that spoke his candour and his

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justice so strongly, determined that the bankers in general should have shares in the loan. With regard to what had fallen from the right hon. gentleman who had so strongly objected to the loan, he differed a good deal in some of the points laid down by him, though he agreed in others. If he was asked whether the present loan, abstracted from all other considerations than the mere terms, was a good peace loan, he would answer in the negative; but if all the circumstances attending the negociation were taken into consideration, then he would contend that the loan was better than might be expected. He then entered into calculations to disprove the assertion of Mr. Pitt, that the premium amounted to 6 per cent.; and he stated it to be at this moment at 3*l.* 10*s.* 2½*d.*; a premium infinitely greater than it ought to be in peace time; but still he did not think that the public would lose more than 50,000*l.* by the bargain; a sum certainly not inconsiderable, but still not worth mentioning, when the committee should consider what inconveniences would flow from the circumstance of delaying the loan till after the holidays. His noble friend had been appointed Chancellor of the Exchequer on the 2d of April, and on the 16th he brings forward his loan. The delay of his predecessor was, undoubtedly, the cause that the present loan was not far more advantageous to the public; and therefore he was astonished to hear an hon. member find fault with the terms; which, if they were bad, were so in consequence of his own delay. The King's Speech at the opening of the session was full of promises of the greatest attention to the navy debt, and to future loans. How had these fine promises been fulfilled by the ministers? No loan was made; no plan for making a good one laid down: the exigencies of the state required that the loan should be made speedily; and as they would not brook delay, the terms could not, of course, be as good as if the loan had been made sooner: the right hon. gentleman had remained in office long after he declared that he would quit it; it was his duty surely either to have made the loan in the mean time, or by his resignation have made room for some other who would have done it: he did not mean to throw blame on the right hon. member for staying in; he was not acquainted with his reasons—they might be very good; but he was not a little suprised to hear him find fault with the terms, which must have been better if he himself had made the loan in time, or suffered another to make it a month ago.

He begged leave to remind the right hon. gentleman of the different conduct of the noble lord who went out of the office of Chancellor of the Exchequer last year. That noble lord, to the moment immediately previous to his resignation, executed all the duties of the office of Chancellor of the Exchequer. Had the right hon. gentleman followed the noble lord's example, a loan on better terms might have been had, and the public would have saved a considerable sum. With regard to what the right hon. gentleman had said of a competition, the loan of the last year had been made in that manner, and he was persuaded, that was a bad method. In the present instance, however, there was no competition to resort to. The bankers had formed such a strong connection, and acted so much in concert, that there was no such thing as getting a set sufficiently opulent or powerful to oppose the set already connected. With respect to the giving the whole, without reserve to the eleven bankers, who were to have 7,700,000*l.* of it, if that circumstance would have got the public a better bargain, he would agree, it should have been so done. But the fact was otherwise. To his knowledge the condition was offered to the bankers, but they would not abate their terms in consequence. So much, therefore, for the right hon. gentleman's two better ways of making a loan! In answer to his valuation of the stocks, Mr. Fox said, he differed from the right hon. gentleman. He allowed, that the bonus, if without the discount, it amounted to 40*s.* was too much; but he contended, that putting each stock at its highest price, the bonus could not be swelled to more than 5*l.* whereas the right hon. gentleman made it six, and then with a degree of fancy and imagination, which by no means ought to be exercised on such a subject as that of a loan, called it a bonus of 6 or 7 per cent. Mr. Fox also said, if his noble friend even had the bonus of three millions to give away, it would only have amounted to 180,000*l.* and not to 240,000*l.* as stated by the right hon. gentleman. After arguing this very closely, and resorting to a variety of calculations and ingenious reasonings upon the doctrines of chance, as to the rise and fall of the price of the funds, Mr. Fox

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took a kind of side-wind notice of the opposition that had been given elsewhere to the Irish Judicature Bill. He said the right hon. gentleman had disappointed him. He had expected that he would have called for the performance of all the notable promises in the King's Speech relative to raising loans in future in such a way, that at the same time that they were raised, a fund should be provided for paying them off. It would not have been more extraordinary to have expected the present ministry to have fulfilled all the flowery professions and promises of the last, than when they tried to pass a bill of theirs, which they found on coming into office in an advanced parliamentary stage, and about which scarcely any thing had been said, when it was first brought in, for the adherents and supporters of the last ministry to call upon them to state the reasons upon which the Bill had been originally introduced. Having entered into an able discussion of the question of long and short annuities, and contended very strenuously, that the mode adopted by his noble friend of borrowing the money upon an addition to funds already established rather than on new funds, was by far the wisest method, he concluded with repeating, that the badness of the present loan was ascribable to the shortness of the time in which it had been made, and that the late ministry were solely to blame for that circumstance.

Mr. *W. Pitt* accounted for his holding the seals of his office after those with whom he had acted had gone out of office, which was merely till a successor should be appointed. He denied that any blame was imputable to him, and said, no attack like that just made should provoke him so far as to put him off his guard, or induce him to deviate, for a moment, from the direct matter in view, viz. a fair discussion of the terms of the loan, and such a description of its manifest disadvantages as it demanded. With regard to there not having been a competition of bidders for the loan, the right hon. gentleman had gone about to look for words to account for it, and had talked of a concert of bankers; perhaps a word lately become famous, would describe the matter better, and the right hon. Secretary might mean, that a "coalition" of bankers was as necessary as a coalition of ministers. In respect, however, to the offer of a competition to which he had allnded, he begged the noble lord to recollect himself, and to say in direct terms whether he had, or had not, received a letter on the 7th of April, signed by four persons of responsibility as monied men, the very four that managed the loan of the last year, offering to take the loan on such terms, that those who bid lower must make a bargain for the public exceedingly advantageous indeed? With regard to the charge of his having kept the seals, after he had declared he no longer considered himself as minister, and his not having thought it became him to move a loan at such a moment, the facts undoubtedly were true. Motives of delicacy, that must be obvious to every man, had obliged him to keep the seals under the circumstances described. To the other question he would make no answer; let the committee judge whether he ought to have moved a loan while the country was so situated. He said, he felt little pain from the comparison of his conduct with that of a noble lord who had resigned the office of Chancellor of the Exchequer last year, when he heard himself charged with not having followed that noble lord's example. That noble lord's language had been adopted that day by his colleague in office. The noble lord had said, six weeks ago, that on the 20th of February 1782, he received a mortal wound; but that he had lingered in office some time longer, and while he so lingered, he had recourse to that expedient that had often before cured wounds apparently mortal, a loan. He certainly had not had recourse to any such expedient; and if he was to blame for not having done so, he was willing to meet the censure due to him on that account. He wondered what his Majesty's speech from the throne, which had been of late so frequently introduced into debate, and that in so becoming a manner, had to do with the loan; in order to find the analogy, he desired the clerk might read the part, which the right hon. Secretary thought had any connection with the question before the Committee.—The following paragraph of the Speech was read: "I must recommend to you an immediate attention to the great objects of the public receipts and expenditure; and above all, to the state of the public debt. Notwithstanding the great increase of it during the war, it is to be hoped that such regulations may still be established, such savings made, and future loans so conducted, as to promote the means of its gradual redemption by a fixed course of

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payment." Mr. Pitt said, the clear meaning of the paragraph just read was, that future loans should be so managed, that a view to redemption should always be a leading feature of them, a characteristic which by no means belonged to the present loan.

Mr. *Fox* replied, and in particular adverted to the paragraph in the speech. It recommended an immediate attention. Was this, or was this not compulsory on the ministers? And did it correspond with their continuing in office for several weeks, at a time which required the loan, without taking any one step to that effect? The right hon. gentleman was not anxious to imitate the conduct of the noble lord. Let him recollect what that conduct was: the noble lord exerted himself in his last moments in office to procure for the public the necessary supplies, without making use of it as an expedient; and even opposition gave him credit for his manliness.

Mr. *Hussey* contended, that borrowing the money at 5 per cent. redeemable in 10 years, would have been much the wiser sort of loan. He entered into a discussion of the finances of the country and the best means of lessening the national debt. He made some reflections on the conduct of lord North when Chancellor of the Exchequer, and said, he feared when the noble lord now in that office came to propose his taxes, he would find the means of the country used up.

Mr. *Fox* said, that the short answer to the hon. gentleman was, that no loan upon a plan of 5 per cent. could be had.

Sir *Grey Cooper* rose in defence of lord North in his absence; and in answer to what Mr. Pitt had said of the noble lord's having resorted to a loan as an expedient after he had received a deady wound as a minister, desired that right hon. gentleman to recollect, that the loan of the last year had been a close loan, and not an open one; and that, consequently, the noble lord could make no friends by it. He desired Mr. Pitt farther to recollect, that lord North had moved his taxes after it was evident that he must resign; and surely, he would not say, that moving unpopular taxes was the best means of securing a continuance in office. He said, he did not look at the resources of the country with so much despondency as the hon. gentleman who spoke last but one. The produce of the taxes was constantly improving, and he had no doubt but the country might be recovered, with proper care and exertion. Despondency only begot indolence and inactivity. He took notice of Mr. Pitt's sneering himself, and of his endeavouring to raise sneers in others; a conduct which he could not conceive to be either very noble or candid; and if the right hon. gentleman had no better weapons, he believed he would never be able to give a deep wound to the noble lord.

Mr. *Dempster* considered the loan made by the present ministers, just as he had before considered the peace made by the last ministers, viz. as a thing absolutely necessary for the country, and therefore worth accepting, though it might not be so advantageous as we had a right to expect. He farther said, our wars were not at an end; though we had concluded the war abroad, we had a war to wage at home, a war upon the national debt, which he trusted we should attack with ardour and combat with perseverance. The best means of lessening the burdens the country laboured under, was by making small peace establishments. It was an idle notion, that keeping them up on an expensive scale in time of peace, enabled us to go to war again with energy. He recommended an imitation of the conduct of government during the peace that followed the conclusion of the treaty of Utrecht. A state after an expensive war, in his opinion, like a man after severe labour, ought to lie down and rest. By that means only, could it recover its strength and vigour.

Governor *Johnstone* said, what he had heard that day convinced him that to make a good loan was a most difficult thing. The money lenders were too much for any honest man to deal with. The noble lord, now Chancellor of the Exchequer, had more integrity and virtue than almost any man he knew, and he was convinced acted upon the purest principles; and yet his loan was as bad a one as ever he had heard proposed in that committee; a proof that the most virtuous man in existence was by no means a match for the money-lenders.

Lord *North* declared he had been sent for on a sudden on important business, or he should not have absented himself from his duty. His lordship said, he understood he had been attacked in his absence. Whether gentlemen attacked him to his face or attacked him behind his back, he never should complain, nor had he hitherto. He only wished gentlemen would

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give him notice, when they meant to be severe upon him. He then would make a point of attending, and take his whipping as patiently as children did; he might whimper a little, but it should leave no malice on his mind. His lordship gave a history of the loans he had made, and said the subscribers were considerable losers by the two first, which made them so unwilling to take low terms for those that followed.

Mr. Pitt and Mr. Fox were up several times more, each. In one of his speeches, Mr. Pitt said, Mr. Fox's reasoning on borrowing money to increase the capital already owing, rather than with a view of redemption, was the reasoning of a gambler, who borrowed desperately, without meaning ever to repay the principal.

Mr. *Fox* replied with great keenness, and declared the reverse of the proposition was the fact; for, whether he was or was not to be called a gambler for it, he should ever advert to the doctrine of chances; and maintain, that borrowing money, on extravagant and disadvantageous terms, from a vain and weak hope to be able soon to discharge that, which there was not the smallest probability of being able to redeem, was much more in the stile of reasoning, customarily held by gamblers; and the argument, by which he should be ever governed in public loans, was, that the redemption being in the option of the borrower, and not in the discretion of the lender, the borrower held the alternative, either of redeeming at a fair price, or of keeping the lender out of his principal.

The Resolutions passed the Committee.

April 16. The report of the committee of Ways and Means being brought up,

Mr. *Whitbread* blamed ministers, for keeping three millions from the persons with whom they made the loan, that they might have it in their power to parcel so much of it out among their friends; he blamed also the terms of the loan, saying, that it had been put up to public auction, he was sure it might have been obtained for at least one per cent. less than it would now cost the public; that, as it was, it was taking half a million of money from the public, and giving it as a premium to the lenders, in a time of peace, and when there was not the smallest occasion for it. It appeared to him, that the same bad use would be made of it, as of the loan of last year, which members of the present administration had censured with so much freedom and justice. He said, he really had hoped and expected better things from them, and had entertained an idea of their good faith and abilities, but was sorry to find his mistake by their first manœuvre. Did they mean thus to recommend themselves to the favour of the public? He believed the kingdom at large would execrate this waste of their money. He hoped it was not yet too late for them to re-consider the business, and to save their own credit and the public treasure.

The Report was agreed to. Mr. Rolle moved for a copy of the list of subscribers to the new loan. Mr. F. Montagu seconded the motion.

Lord *John Cavendish* said, the list when presented, would explain who the persons were to whom he had given any part of the loan. As to the persons in public offices, mentioned by him in his speech in the committee, he alluded to the clerks in the Bank and in the Treasury, who, as they had some trouble with the extraordinary business thrown upon them in consequence of the loan, had customarily been each allowed a trifling share of it.

Mr. *Sheridan* was glad to see the motion seconded from the Treasury bench; if it had not been seconded by any one else, he himself would have done it with a great deal of pleasure: and though it might be imagined from the situation he held, that he knew something of the persons to whom the loan had been parcelled out, he could assure the hon. mover, that the list could not be a greater novelty to any man in that House than it would be to him; for knowing the character and disposition of the noble lord at the head of the Exchequer, he did not venture so much as to recommend a single person to him for a share in the loan. What peculiarly rendered the present motion a matter agreeable to his mind, was the recollection of the many indirect insinuations that might create a suspicion in the minds of the public, which had been thrown out on the preceding day. Insinuations and surmises, whispered with an affected caution, and hinted by halves, he observed, often did more towards imposing conviction on the minds of the credulous than the most direct charge could effect. In the debate, in the committee, more than one speaker had chosen to talk of the possibility of the present loan, having been distributed unfairly,

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with a view to the exertion of parliamentary influence, or with a design to answer purposes of a less political, but of a more pernicious nature. The right hon. gentleman in particular, who had stood forth so conspicuously as the leader of the opposition against the loan had talked in general terms of the impropriety of a reserve for a ministerial allotment, and in his subsequent speeches had said, "if the noble lord would say, he alone made the distribution, and if it had been solely the act of the noble lord," with other expressions of a sort that tended to convey a suspicion of the improper interference of other persons; it could not, therefore, but give him satisfaction to hear a motion for a paper, which would completely acquit every person about the Treasury. He assured the House, in the most solemn manner, that he had neither directly nor indirectly interfered in regard to the present loan.

The motion passed without any opposition.

*Debate in the Commons on the Loan Bill.*] April 25. The House went into a committee on the Bill for raising a certain sum by way of annuities, and by a lottery.

Sir *E. Astley* reprobated the idea of a lottery, as exceedingly dangerous for the lower class of people, they always being sure to gamble. He then entered into the various modes of adventuring in the lottery.

Lord *John Cavendish* said, that no person was more against the lottery than himself; but whilst the necessity of the state called for a large sum of money, it was found the most expedient to raise a part by way of lottery, as the cheapest to the public; and if the money-lenders had not the benefit arising from lottery tickets, they would insist on other terms far more disadvantageous to the public. With respect to the lottery being ruinous, on account of the pernicious inducement to gamble, the hon. baronet, undoubtedly, was right; but it had been found impossible to prevent gambling; for when there was no English lottery; the people would gamble in an Irish, a Dutch, or a French lottery; and such regulations had been taken last year, as, in a great measure, prevented the lower class from gambling, and the greatest care would be taken, this year, to render the Act as secure as possible.

Mr. *Smith* expressed a great veneration for the character of the noble lord at the head of the finances, but could not help shewing his disappointment at not having a part of the loan. The noble lord had, he said, put down the banking-house of Smith and Payne, among a variety of other bankers, as fit persons to be applied to on the business; but the noble lord, when he came to make the distribution, totally forgot that house; and, if he was not misinformed, had been heard to give as a reason for so doing, that the house of Smith and Payne, in former loans, had made a very improper use of the part they had given them, had materially hurt the business of other bankers; if that really was the noble lord's meaning for leaving the house, of which he was a partner, out of the loan, he was misinformed; for he had frequently rejected, with scorn and contempt, the offer of many persons who came to deposit money with him, on condition of being favoured with a part of the loan. He perfectly acquitted the noble lord of any intention to injure the house of Smith and Payne; but certainly he had been misinformed. So far from the charge being true, his house had not any share of the loan of the last year, nor was it capable of the conduct it was supposed to have practised. He never had asked for any part of a loan, and he was certain the reason assigned by the noble lord for striking the name of his house out of the list, was not more injurious to him, than it was false and groundless. As soon as he heard of the reason, he had thought it incumbent upon him to apply to the noble lord to enquire into the truth of the report, and to learn who was the original author of the calumny. The noble lord had allowed, that he had heard such a report, but refused to tell him from whence he heard it; he had no other means, therefore, of justifying the character of the house in which he was concerned, than by thus publicly stating the whole of the case, and declaring, as he did, upon his honour, that the charge was, in every respect, untrue; and having done so, he left it to the feelings of the noble lord, to point out what reparation could be made to men of business, from an injury wholly unmerited; he added, that what rendered it a more marked injury was, that the noble lord had, in that House, expressly declared, he reserved upwards of three millions of the loan, to make an equal distribution of it among such of the bankers as were not

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among the eleven who took so large a share of it. This being the case, and his house being the only one in London totally excluded from any share of it, a sort of stigma, of a very disagreeable nature, was fixed upon it, and it was attended with the greater degree of unpleasantness, from the very injurious and false reason alleged in justification of such a peculiar exception. Mr. Smith then went into a consideration of the loan itself, which he thought by no means so advantageous on the part of the nation, as it might have been. He meant not in any, the smallest degree, to impute an undue motive to the noble lord who had proposod it; he had been in the habit of thinking upon political subjects very much with that noble lord; he was convinced of his great integrity, and satisfied that he meant to do what was perfectly upright and unexceptionable; but the noble lord appeared to him, in the conduct of the present loan, rather to have considered it as the duty of a chancellor of the Exchequer to make an impartial distribution of a boon than to be careful, in the first instance, to make the best bargain for the public that could be had. What induced him so to regard the noble lord's conduct, with respect to the loan, was, the little attention the noble lord had paid to the hints given him by the four gentlemen who took the last year's loan, and their offer of a competition. He was present when the letter was written, and that letter contained the best advice that men, experienced in the business of loans, could give; the four gentlemen strongly recommended a division of the money-lenders into sets of persons sufficiently responsible to take the whole of the loan, and declared that they, as one set, would take the loan among them on such terms, that if they were outbid, the loan should be a very cheap one to the public indeed. He was confident, that had the noble lord made use of the information, and gone by the rules prescribed in that letter, a far better loan might have been made, and a saving of 600,000*l.* to the public, have been gained; for now the loan bore a premium of 8¼ per cent.

Lord *John Cavendish* assured the hon. gentleman, that he had not the least intention to cast any slur on the house, of which he was a partner; but, undoubtedly, in the course of his negociation, conversing with different men of the same profession, he had heard a number of insinuations thrown out; and it was what was always the case, that people, in the same way of business, were jealous of each other, and frequently made use of ill-natured expressions; however, he had paid no respect to those insinuations, and the sole reason of the hon. gentleman being left out of the loan was, not knowing but he was connected with the other banking-houses, in which the name of Smith was part of the firm; he had understood, that a house, in which there was the same name, had used the loan as an instrument of influencing customers; and as he thought that a very improper mode of conduct, he had endeavoured to prevent it in respect to the present loan. But he had not till then known, that he had not any share of the last loan. It was clear, therefore, that he had made a mistake, and had been misled in a particular, regarding which he could have no private motive to act either one way or the other. As to the letter in question, if he recollected rightly, he had received it only three days before it was necessary to conclude the bargain; but not expecting it would ever become the subject of discussion, he had not taken particular notice of the fact. He thought, however, it came to his sight only on the Wednesday preceding the Saturday on which the loan was agreed for. It certainly advised a competition, and mentioned four names as one set; but how was he to get other persons to form themselves into sets, who were willing to oppose monied men of so much power and authority? He had endeavoured to do the best he could; and on the Friday, when the bargain broke off about a trifle, a 6*d.* of the long annuity, or something of that nature, two, if not three of the four persons, who had sent him the letter alluded to were present, and yet they offered not then to come forward. His lordship said, other means of borrowing the money were resorted to after Friday; and, in consequence of a change in the price of stocks on the Saturday, somewhat a better bargain was made for the public. Had a competition been, at first, within his reach, and the whole of the loan had been taken, it would have saved him an infinite deal of trouble, and prevented his passing the most unpleasant and irksome fortnight he had ever known in his life. With respect to the terms of it being too high, he must recur to the arguments he used on a former day, the exigencies of the state, and the shortness of time. If a better bargain could be made for the pub-



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lic in so short a space as he had been in office, he admitted he was liable to be blamed; but as he was convinced, more advantageous terms, considering all circumstances, could not be procured, he should ever defend the measure.

Mr. Secretary *Fox* said, he frequently found, that gentlemen complained of the present loan; but he had not seen any person point out who would have taken it on better terms for the public: therefore, until some person would inform the House, that better terms were offered, he could by no means think his noble friend any way to blame. Much had been said of making the loan by way of competition, and it was curious to observe, that the four persons who recommended the loan to be made in that manner, had offered to find the people that were to bid against them. Surely the committee must see what the result of such a competition as that would have been. If the three gentlemen of the four who wrote the letter, mentioned by the noble lord to be present when the bargain was concluded, had the good of the nation so much at heart, how came it that they did not offer better terms? But so exceedingly the reverse was their conduct, that they absolutely refused to agree to any other terms than those the loan was concluded on. The noble lord wished them to agree at 12*s.* 6*d.* long annuities; they wanted 15*s.*; at last his lordship agreed to give them 13*s.* which they refused to take, and the bargain was broke off. His lordship was afterwards compelled to allow 13*s.* 4*d.* as the lowest terms they would accept, and that his noble friend would not agree to until the last moment, when he could stay no longer. He said it was unfair to estimate the loan at 8 per cent. because stocks were now so as to make it bear that premium. Would any gentleman assert, that the stocks would have been at that price if the loan had been deferred until the present time? Certainly they would not; the persons who were to lend the money, perfectly knew what was wanted, and did, as they always would do, depress the stocks on purpose. A very material difference between the present and former loans, was owing to its being concluded on four days before it was debated; for that gave time for the holders of the loan to raise the stocks; but had it been, as former loans, debated immediately, its opponents would not have had such an opportunity to reprobate it, although the terms would have been exactly the same. And he must once more refer the committee to what he had so frequently mentioned in a former debate, that it was extremely indecent to lay the blame on the noble lord, when the necessity of the state was such, owing to the last ministry staying in the time they did, that if the loan had not been concluded on when it was, the worst of consequences must have ensued. In reply to Mr. Smith's declaration, that the letter sent by the four gentlemen, who had conducted the last year's loan, contained the best advice, that men experienced in the business of loans could give; he said, that the letter contained no offer of a competition farther, than the offer of four men, the most powerful among the money-lenders, proposing to become one set of bidders. Had his noble friend fallen in with such a proposal, he would have put himself completely and irretrievably within the power of the four, or, at most, of one or two sets of bidders; in which case there would have been little probability of a better bargain being obtained for the public.

Mr. *W. Pitt* reminded the committee, that the hints he threw out of a competition being offered, were not ill-founded. In reply to what had been said, relative to lower terms not having been proposed, when three out of four of the gentlemen who had made the competition were present, he said, undoubtedly there was an essential distinction between four persons treating separately by themselves for the whole of the loan, and treating for it when mingled with others. In regard to their not offering to take it on lower terms, in his opinion that argument placed the Chancellor of the Exchequer in directly an inverse situation, and rather went to prove, that it was his duty to receive lower terms, than he was willing, on his own part, to give, than that it was his duty to make the bargain on the lowest possible terms that could be obtained. For money-lenders, when they knew they could have advantageous terms to come forward of themselves, and offer to take lower, would certainly be very honourable in them; but he believed that House did not give money-lenders credit for having quite so much generosity. He insisted, that it was a strange kind of doctrine, that all the fault of the loan was owing to the hurry in which it was compelled to be made. He wished Mr. Fox to declare openly, whether he meant to consider him

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as responsible for all the ill consequences that might arise from the hurry in which the loan was made? If he did, he would be ready to meet the charge, and desired that it might be made under two separate heads; first, who was the cause of the country being reduced to the deplorable state it was in? and, secondly, whether his continuing in office the time he did was the sole cause why better terms could not have been procured?

Mr. *Fox* had no objection to such enquiry being entered into, though he did not see it would answer any good end. He did not positively fix the blame of the loan being so bad, wholly on the right hon. gentleman, but undoubtedly the persons with whom he acted having left the Treasury without a shilling in it, and money being wanted the latter end of April, it was high time that the noble lord should close some bargain when he did.

Mr. *W. Pitt* said, if the great point of defence on which the present administration were to rest their excuse for the badness of the loan, was to be the hurry in which it was made, and that the hurry was by insinuation to be suggested as a matter imputable to him, he did desire the right hon. gentleman would speak out, and make the charge in direct terms, and not by insinuation merely. He was ready to join issue upon the question of who it was, that by their conduct had forced the country into the state of difficulty and distress, that rendered an improvident loan in any degree justifiable. The question must necessarily resolve itself into two points, either that he had neglected to discharge his duty, and that he ought, under the peculiar circumstances of the country, to have brought forward the loan while in office, and that he was chargeable with criminality for not having done it, or that it was utterly impossible for a loan to be made with any advantage to the country during the unsettled state of affairs, and that he would have been highly to blame, had he attempted it: which of these two points it was that ought to be considered as the true state of the case, he would leave it to the candour and feelings of the House to determine.

Mr. *Fox* said, that as often as the badness of the present loan was objected to, so often, whether the right hon. gentleman liked it or disliked it, would he state the fact, that it was not imputable to the present administration, but to the hurry in which it was made. With regard to the reasons that had induced the late administration to stay in till the last moment, he could not argue upon them, because he did not know them; he did not, therefore, charge the right hon. gentleman, nor any body else, with criminality for their conduct, because possibly they might have very good reasons for it; but he would leave it to the candour, the justice, the honour, and the common sense of every man who heard him, whether it was not manifest, that the extreme hurry and difficulty, under which the loan had been made by his noble friend, was in a great measure to be considered as the reason why the terms of it were not better. If that was not the case, all the argument on the idea that the last administration occasioned that hurry, fell to the ground; but that being the case, it was fair for him to state, that the right hon. gentleman's staying in office till the last, the very last day, as it were, before a loan must be made, was more the cause of its being a bad loan, than any want of endeavours of his noble friend to make a better. Mr. Fox said, as he was talking of a bad loan, it put him in mind of the peace, for it occurred to him, that the same cause occasioned the badness of both, namely, their being obliged to be made by a certain day. The loan the committee knew must be made before Easter, and the peace must be made by the meeting of parliament; the hurry in which both were made, had rendered each, like every thing done in a hurry, liable to much objection.

Mr. *Arden* disapproved of the method of late years practised in making the loan, and used several illustrations to prove that a better way could be found out. He complimented lord John in very high terms on his personal integrity, declaring that he had rather trust his lordship in a money transaction, than any other man living. He then went into an argument, to shew that the mode of making the loan that had been adopted on the present occasion was a bad one, and declared, he hoped it was not to be held out, as the mode to be pursued in future. Reserving part of the loan for ministerial distribution, though he had no suspicion in the present instance, was liable to great abuse. He enlarged upon this considerably, and said, a chancellor of the Exchequer could not possibly of his own knowledge decide who were and who were not fit persons to have a share of the loan; he must consequently receive his information from

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others, and those others from interest, from prejudice, or from some one improper motive or other might deceive and mislead him. He was an advocate for making a loan by competition.

Lord *John Cavendish* said, he had, in making the present loan, studiously avoided any imputation of partiality to his friends; and, among the numerous plans he received there was not, on the nicest calculation, one quarter per cent. difference. He had endeavoured to steer clear of what, in the city, was called the Whitehall committee, and divided the loan among the bankers at large; he found it was impossible to please, and he had now totally precluded all his old friends, and, apparently, made no new ones. Had he given the loan to his own acquaintance, they would have had gratitude enough to have thanked him, but now he precluded himself from their praise, and those he had served, condemned him for his generosity. His only reason for reserving a part of the loan, was to meet the clamour raised the last year, on the ground, that some bankers were favoured more than others, and that it became a matter of serious oppression and hardship to the trade for some to have a part of the loan, and others not to have any. He was afraid the present complaints against the loan did not proceed from a virtuous jealousy of too much of it having found its way within those walls, but from a very contrary idea. He declared he began to think he had acted foolishly in distributing it with so much rigour, and that had he been less scrupulous about it, he should have been better supported.

Mr. *Byng* defended the loan, and insisted that the noble lord was driven to such a necessity by the shortness of the time, that had he staid any longer, the terms must have been much worse, the public knowing the state of affairs. He entered fully into the nature of the last loan, and severely censured the late ministry for not making a loan, when the 3 per cents. were at 70: that should have been their time, and they were highly culpable for delaying the business as they had done. He had done, with respect to the present loan, what he had done with respect to former loans—made it his business to enquire, if the money could, or could not, be had upon better terms, and he found that it could not. He declared, if there were any complaints about the loan, he had been so much in the habit of searching after them, that they naturally found their way to his ears. He reminded gentlemen of what had been his conduct respecting the loan of last year, and stated his having gone to the bankers, and endeavoured to persuade them to take the loan at a saving of 1 per cent. to the public, rather than give 4 per cent. to those who were to have the loan as a monopoly; but his endeavours proved fruitless. Reasoning upon the disadvantageous terms of the present loan, he declared the fault lay with those who had gone out of office, and not with those who had but just come in. He reminded the late Chancellor of the Exchequer, that a sufficient part of the army could not be disbanded for want of money to pay them off with, and of other difficulties, to which the government had been reduced in consequence of the loan not having been made sooner.

Lord *Mahon* reprobated the terms of the loan, and referred to his old argument, that if the necessity of the state was such as to require some money immediately, it would have been more prudent to have borrowed only three millions at first, and nine millions after. He reasoned upon this in answer to Mr. Fox's objection, that the money-lenders would not bargain for one loan, if it were to be followed by another, and said, it was true if a loan of eight millions was to be made first, and a loan of four more afterwards; but it was by no means the case, when four millions only were to be first borrowed, and the eight millions last.

Mr. *Montagu* appealed to the chairman whether it was not the first time he ever remembered to have heard the Loan Bill debated in a committee? He was much surprised to hear it opposed by those who, in a great measure, had been instrumental in its being so bad as it was. Government could not go on without money: the money-lenders were aware of this, and, no doubt, made their advantage of it. He would not impute it to any persons, that the fault of all this lay with them; much less would he impute it, where he wished never to see imputation rest; while the fact was undeniable that the loan was obliged to be made in a hurry, and under circumstances of peculiar difficulty, in candour and in fairness, those facts ought to have their weight in the minds of the committee.

Mr. *Wilberforce* was against the loan, and supported the doctrine of Mr. Smith, that the cause of the rise on last year's

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loan was owing to lord North going out of administration; and the reason why they had not fallen now that he was in, was, that the public were not so alarmed at his being in, as it was not in his power to do so much mischief as he formerly could.

Lord *North* observed, that it was a strange way of arguing, that his going out of office could raise the stocks, for certainly if that was allowed, his coming into office must naturally make them fall; therefore the noble lord was extremely right in closing the bargain when he did. Those who wished to oppose the loan, found it invulnerable, he said; therefore, they had turned their malice to him, which they were extremely welcome to do; and as the stocks had risen on his going out, so they had likewise risen on the late ministry being removed; consequently both ought to shake hands; and if there was any merit in raising the stocks, he begged the honour might be divided. He declared that he always found that a much better loan could be concluded on in the 3 and 4 per cents. than in the 5 per cents. With regard to a double loan, it was an extreme bad mode of raising money, for the expectation of the second loan would always keep the stocks low; but if two loans were thought of for this year, how happened it, that the first was delayed so long? Those who had thought of two, should surely have proposed the first in January or February at farthest.

Mr. *W. Pitt* declared, that he must decline the invitation to shake hands made by the noble lord with so much good humour, because he thought the two cases mentioned extremely distinct and different. Having stated why he thought so, he said, the charge of his having neglected to make the loan was carried much farther than it ought to have been. Let gentlemen remember he had not totally forsaken the duties of his office previous to his resignation; he had moved for a million of Exchequer bills, which he had, at the time, thought would have been sufficient to answer the exigencies of government till a new administration was formed. With regard to his not making a loan when the 3 per cents were at 70, was it totally forgot that menaces had been thrown out against the administration of which he had the honour to be a member, and that the House had been urged to watch them narrowly, to suffer no loan to be attempted, no mutiny bill for the discipline and control of the army to be passed, nor any measure that looked like a permanency of administration, because a coalition had just been formed in order to seize upon the government. Let these circumstances be considered, and let it then be said, whether he was or was not to blame for not having a loan. In reply to Mr. Fox's remark, that the peace was like the loan, a matter of hurry, and obliged to be made by a certain day, he desired to have it remembered, that so far from the right hon. gentleman's observation being founded, the House had heard the last administration called on again and again for the peace, and as often obliged to make excuses for its delay; the hurry, therefore, had evidently been with those who were clamorous for hearing that it was made, and not with those who were exerting themselves to effect a pacification. In answer to what lord North had said, in reply to lord Mahon's scheme of dividing the loan into two parts, he acknowledged that the noble lord's reasoning as to double loans being a bad mode of borrowing money, and that the expectation of the second loan would lower the stocks and greatly prejudice the first loan, was all true, considered as a general argument, but that it by no means applied in the present case, since his noble friend had only stated a division of the loan into two parts as a matter, which the peculiar nature of the situation of the country pointed out as advisable and proper.

Mr. *Fox* rose to take notice of the expression of the right hon. gentleman, that a coalition had been formed to seize upon government. He insisted that it was a rash expression, for the late ministry had been driven from their station the same, as he hoped every ministry who acted wrong would be, by a majority of that House. It was by a majority of that House that the former ministry were removed; and of which the right hon. gentleman approved. The late ministry had been removed in the same manner; but he certainly could make allowances for the right hon. gentleman seeing things in a different light; it was extremely natural; different situations threw different colours on the same object. Gentlemen, he was aware, were led from different circumstances to see the same things in a different point of view, and to colour them accordingly: but he hoped such an appellation would not be annexed

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to the conduct of those now in office, unless at the same time the right hon. gentleman chose to avow the old and exploded doctrine, that the House of Commons had no right to interfere with ministers, nor to say who ought or who ought not to govern the country. If the right hon. gentleman was willing to go that length, he was perfectly welcome so to do; and the indecent expression he had just used, would be perfectly consistent with such principles; but if the right hon. gentleman had not forgot or forgone all his constitutional ideas, he trusted he would forbear from applying such appellations as he had just used, to a conduct no more deserving of it, than the conduct he had himself held twelve months ago.

Mr. *W. Pitt* declared, he never spoke less in a passion, nor more coolly, than when he had said, "a coalition was formed in order to seize upon the government;" it was an expression he meant to use, and an expression he was by no means willing to retract; at the same time he would be fair enough to say, that, had such an expression been applied to the conduct that effected the removal of the administration of the noble lord in the blue ribbon, he should have been one of the first to have expressed his indignation at it; but, he could by no means consent to consider the two matters in the same point of view. With regard to what the right hon. gentleman had said farther, he was ready to say then, and should, in every part of his life, be willing to declare, that he would not suffer himself to be considered as second, even to the right hon. gentleman himself, in his zealous attachment to that principle of the constitution, which made it perfectly right and proper for the House, on some occasions, to interfere, and, at all times, justifiable for it to interfere in the choice and continuance of his Majesty's ministers: that principle he ever had, and ever would, support; and, he trusted there never would be any one man, or any set of men, bold or powerful enough to contend against it, or call it in question.

The Bill then went through the Committee.

*Debate in the Commons on the Bill to empower the East India Company to borrow Money.*] The report was brought up from the Committee on the Bill for empowering the India Company to borrow money, and make a dividend of 4*l.* per cent., on their capital for half a year.

Sir *Cecil Wray* said, he had many objections to the Bill, but particularly to that part of it, which allowed the Company to divide 4*l.* per cent. for one half year, at a time when their affairs were in so bad a condition as to oblige them to have recourse to parliament for money to support their credit. Sir Cecil professed himself to be by no means master of the state of the India Company's affairs; he could not therefore from his own knowledge say, whether the Company were solvent or not, nor whether it would be safe and proper to intrust them with the powers which the Bill, if it passed into a law, would convey; but he thought the Bill itself afforded an argument, if not of the insolvency, at least of the embarrassment and distress of the Company, and therefore he felt himself warranted, as a member of parliament, to consider how far it was consistent with his duty to involve his constituents in the affairs of a Company so circumstanced. He owned he did not like the security upon which the money was to be borrowed, and that because he had no great faith in the government of the East India Company. He had always considered government as a matter instituted with a view to promote the interest and happiness of the governed, and not of the governors; but as far as he had read or heard of the government of the India Company, the reverse of this maxim appeared to have been the aim and effect of that government. He understood that, exclusive of the sum they wanted now to be empowered to borrow on their own bonds, there was a petition from them actually before the House, for a loan of 1,500,000*l.* from the public: to divide 8*l.* per cent. in such a state of their affairs, appeared to him very extraordinary indeed; and therefore he would move an amendment in that part of the report that related to the quantum of the dividend, and for the word four, he would substitute the word three, so that the Company should not divide more than 3*l.* per cent. for the half year.

Mr. *Burke* entered into a long detail of accounts relative to the finances of the Company. He observed that they carried on two distinct species of trade; the one of power in the dominions of which they were masters; the other in China, which might be called strictly commercial; the former he proved to have been a losing trade to this country, and the latter lucrative; but then all the profits arising from

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it were nearly consumed to make good the losses in the former. He arraigned, in very severe terms, the conduct of governor Hastings, whom he called the grand delinquent of all India, to whose measures all the calamities under which that country was groaning were, in his opinion, to be ascribed. Hyder Ally, he said, had been twice sold to the nabob of Arcot, and twice had the Company on that account been engaged in wars with the former; for which, when the nabob was called upon to give the stipulated supplies to the Company, he always excused himself, by saying, that he was unable, unless Hyder, whom he called his rebel subject, should be put into his hands; and the country he had seized should be restored. The government of India falling in with the views of the nabob, had undertaken two wars against Hyder, and plunged India into an abyss of calamity; and when peace was made with that prince, the nabob was not included in it; so that he was left at liberty to go to war with Hyder whenever he pleased; and thus, the nabob being the ally of the Company, there never was wanting a pretext for commencing hostilities, without the appearance of the Company's acting as principals in the war. He described the famine that at present raged at Madras, in the most pathetic manner, stating that two hundred persons perished daily with hunger in that city; that vultures appeared by hundreds, hovering over that ill-fated city, to share with the wolves and dogs in devouring the carcases of the dead; and to add to the misfortune of the miserable, they had also wolves and vultures in human shapes eager to devour them; that lord Macartney was obliged, from principles of humanity, to send the handicraftmen out of Madras, where there was not work or food for them, to other places. He deplored the fate of a great princess, who, in another part of India, had been driven from her palace with 2,000 of her women, after the most faithful of her servants had been hanged; and he prepared the House to expect, in the next report from the select committee, such accounts of the cruelty, barbarity, and rapine of our government in India, as would shock every man of the least sensibility. He spoke of large fortunes acquired by individuals, while the Company was almost reduced to bankruptcy; and he instanced the readiness with which 800,000*l.* had been raised by Mr Hastings for the purpose of making investments, to prevent the Company's ships from coming home in ballast. He did not approve the motion relative to the dividend; but he would support it, as he hoped that a totally new system, relative to the government of India, would be adopted. He laid it down as a maxim, that the relief of the India Company and its reform should go together. He believed, the particular accommodation, which the Bill then under discussion would afford, was indispensably necessary, and necessary with as little delay as possible. Therefore, and therefore only, he was willing to give his assent to it; but if he thought that it was merely one part of a system of driblets, and that without going fully into a general reform of the abuses in the government of India, it was meant by little and little to meet the difficulty of the moment, and apply a remedy proportioned to the present pressure of inconvenience, he would most steadily have opposed it.

Sir *H. Fletcher* rose to state the particular situation of the India Company at present, and the nature of the necessity that urged them to make the application to parliament, now under consideration. Sir Henry recited the progress of the Company's affairs for many years back, and the sums they had spent in procuring their territorial acquisitions. He shewed, that the pubic had derived immense advantages from those acquisitions, by customs and otherwise, but that they were still indebted to the Company very considerably. He mentioned also, that the dividend from the year 1708 to the year 1757, or thereabouts, had been 8*l.* 4*s.* per annum on an average, and that in time of war it was upon an average of 7*l.* 15*s.* He farther stated, that the Company were far from being in a state of insolvency; that they had cargoes upon the seas to a large amount, and that they only wanted some present cash to defray certain bills, that were coming due, and to carry on their affairs; and thence their application to parliament. He claimed some credit as due to the Company for their conduct in India during the war, and shewed, that though government had thought it right to give up their conquests for a valuable consideration, when they made the peace, nevertheless, the fact was ascertainable, that the Company had almost driven our natural enemies out of India, in the course of the war.

Governor *Johnstone* said of Mr. Burke, that the hon. gentleman's humanity car-

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ried him away; and seeing melancholy prospects, he was prevented by that very humanity from taking time to consider what was the real causes of them; and therefore, without hesitation, he ascribed them to the British government. If famine raged in the Carnatic, it was the natural consequence of the manner in which the Mahrattas always carried on war: they were very far from being a cruel people, and murder was a crime unknown among them; but still when they entered upon a war, they always made it a point to ravage every thing before them: this was the true cause of the famine; and if the hon. member had taken the trouble to read lord Macartney's last dispatches, he would have found, that after having described the very great calamities of the people of his government, his lordship observed, that the French and the other enemies, suffered infinitely greater; and so far was the famine from being confined to the British settlements, that beyond the mountains, in Hyder's dominion, there perished daily one thousand persons. He then spoke of Mr. Hastings, with whom he had no private friendship; on the contrary, some of his relations had cause for enmity against that gentleman; but having carefully examined into the conduct of that great man, he was so astonished at the prodigious efforts he had made for the preservation of our territories in India, that he resolved to take a decided part in his favour; and it was matter of surprise to him, that his name should be treated so ignominiously in that House in his absence. If he were present, he was convinced that harsh language would not be used to him; for he would have answers ready that would convince his enemies of his innocence: on the other hand, he knew that Mr. Hastings would not bear such language. His having raised 800,000*l.* for the Company's use was no proof that the Company's servants had amassed great fortunes. The hon. gentleman ought to recollect that Calcutta might vie almost with London, as it contained 500,000 inhabitants; and when London could raise twelve million for government, it was not surprising that Calcutta should raise 800,000*l.* The hon. gentleman had a way of colouring things very high. In the excess of his humanity, he once saw the captive loyalists of lord Cornwallis's army hanging on the trees along the coast of Virginia, and yet not one of them was put to death. He heard at another time of dreadful cruelties exercised in an expedition under general Grey, in North America: but the governor said, he happened to be in America at that time, and had heard nothing of these cruelties. He wished to hear particular charges, and not general reflections. The hon. gentleman was always talking of the report that was to come from the select committee; he wished he could see the mighty giant come forth; if the hon. member was the dwarf who appeared on the battlements of the giant's castle, he wished he would step in and prevail on the monster to come forth to the combat. He desired gentlemen to recollect, that the present Bill was only one part of an application from the India Company for relief from parliament, and begged that they would hold in their minds, that it was brought in upon a compromise with the lords of the Treasury. With regard to the idea of lowering the dividend to the 3 per cent. he had no manner of objection to it. He thought when any set of people applied to the public for relief, their shewing that they were ready and willing to begin an œconomical system themselves was the best recommendation of their claim to relief from the legislature.

Mr. *Burke* said, that if he held improper language in that House, he might be called to an account for it in a parliamentary way; if called to an account out of the House, he would answer it in a gentleman's way; but no danger, no bullying, no threat, should ever prevent him from doing his duty; and he pledged himself to God, to his country, to that House, and to the unfortunate and plundered inhabitants of India, that he would bring to justice, as far as in him lay, the greatest delinquent that India ever saw. With regard to loose accusation, he was as much above it as the hon. gentleman. He might rest assured, when he charged Mr. Hastings, he would do it by alledging some specific fact of criminality. To act otherwise, was something worse than acting ungenerously; it was to act the part of a calumniator, a part which he never would consent to perform. Mr. Burke reasoned a good deal in terms of painting, upon overcharging a picture with colour, in order to hide an imperfect outline; and declared, that he would take care his drawing should be correct and perfect before he put on any colouring at all. He was justified by the forty-five resolutions of the secret committee, to hold this lan-

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guage, of Mr. Hastings, whom the House had already so far censured as to resolve that he ought to be brought home to take his trial.

Governor *Johnstone* said, he never intended to threaten; but he thought it ungenerous to bring charges, day after day, against a man, who, being absent, could not make a defence. So far from bullying him, he did assure the hon. gentleman, whenever he had any thing to say to him, it should not be in that House, but in another place; in the mean time, he repeated it, that he thought attacking Mr. Hastings in his absence, in terms of so much harshness, was ungenerous.

Mr. *Burke* said, it was not his fault that Mr. Hastings was absent. If I could have had my will, said he, he should have been in England before now.

Mr. *Dempster* thought that eight pounds was too great a dividend for the Company to make under their present circumstances. As a proprietor, he should think it wiser to receive no dividend at all at present; but as it might be necessary for the Companny's credit to have a dividend, he agreed perfectly with sir Cecil Wray in thinking, that at the proper stage a motion should be made, to alter the words four per cent. to three per cent. Mr. Dempster said, he wished the territorial acquisitions had not been made; he believed they had proved a serious and a solid incumbrance to the Company.

The Amendment was rejected, and the Bill ordered to be engrossed.

*Messrs. Powell and Bembridge.*] May 2. Lord *Newhaven* informed the House, that since he moved for the minute of the Treasury, relative to Messrs. Powell and Bembridge, he had been informed, that prosecutions against those gentlemen had been ordered in the courts below; if he should now be told from authority, that such prosecutions had really been ordered, he would move to have the order discharged, for taking the minute into consideration; because he was of opinion, that no proceeding should be had in the House, that might tend to create a bias in the minds of the public, before the two gentlemen in question had been brought to trial.

Mr. *Sheridan* said, the Attorney General had given it as his opinion, that a prosecution for a misdemeanor should be instituted by information; and also that another prosecution by English Bill, should be instituted in the court of Exchequer, to compel Messrs. Powell and Bembridge to make up their accounts, and pay in their balances. He had this day spoken to the Solicitor of the Treasury, and he understood from him that he had directions to file the Bill: and that he only waited for the arrival in town of the Attorney General, to receive his instructions, relative to the prosecution for the misdemeanor.

Mr. *Pitt* said, that the proceeding by the English bill had nothing at all to do with the cause which induced the late paymaster general to dismiss the two gentlemen in question. There had been a dispute between Mr. Powell and Mr. Paris Taylor, relative to a sum of money; and the former wished not to pay in his balance until credit should be given him for that sum; so that he would have the payment of the balance await the judgment of the court on the question; the English Bill would answer the purpose of bringing this matter to issue; but there was nothing in common between this case and that for which the gentlemen had been dismissed; and he could not help saying, that their restoration seemed to cast no small reflection on those who had been the authors of their dismission; and on the late Attorney General who had given his opinion against them. If the prosecution for the misdemeanor was to take place, he had no objection to the discharge of the order; but he had rather for the present, that the order should not be discharged, but suspended only, until the present Attorney General should come to town, and inform the House whether or not he meant to proceed criminally against the gentlemen in question.

Mr. *Sheridan* said, the delay of the legal proceedings was by no means chargeable against the present ministry. The late Attorney General had commenced the business, and there had time enough elapsed for him to have gone on with it. Mr. Sheridan threw out some sarcasms on the practice of that gentleman to threaten and to institute criminal processes, and then to suffer them to sleep.

Mr. *Kenyon* said, that from the state of the case that had been laid before him, he had delivered it as his opinion, that the gentlemen ought to be the objects of both a criminal and a civil prosecution; and in such a light had their conduct appeared to him, that he did not hesitate to declare to those who were at that time in power,



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that such enormous offenders ought not to be suffered to remain in places of trust. He explained his own conduct, and said he would justify it through the whole of the business.

Mr. *Burke* defended his own conduct in restoring the two gentlemen to their former situations. It was his own act entirely, on which he never so much as asked the advice or took the opinion of any other man: he was responsible for this act to his country; and he had so regulated the pay-office, that there was no danger of the public money being embezzled by these gentlemen or himself; he kept no balances in his hands, they lay at the bank, but were very small; when he went out of office the balance amounted to no more than 700*l*. In the case that had been laid before the learned gentleman who spoke last, for his opinion, there was one omission, of which the persons in question had great reason to complain; and if the circumstance to which he had alluded, had not been kept back, he was sure that the learned member's opinion would not have been so strongly against the two gentlemen.

Mr. *Martin* said, that when he heard from the highest authority, that two considerable clerks in office had been dismissed for gross misbehaviour, and that they were afterwards restored, he could not help looking upon their restoration as a gross and daring insult to the public.

Mr. *Burke*, rising in a violent fit of passion, exclaimed, "it is a gross and daring——;" but he could proceed no farther, for Mr. Sheridan by this time had pulled him down on his seat, from a motive of friendship, lest his heat should betray him into some intemperate expressions that might offend the House.

Sir. *E. Astley* said, that to restore persons charged with a crime amounting to public robbery, was a great slight for the opinion of the public, and a daring insult.

Mr. *Fox* endeavoured to soothe the House into temper. He declared, that he had never heard a word of the restoration of the gentlemen in question, till he had heard it from the paymaster-general himself, as he was going into the King's closet at St. James's. He said, that it was impossible that any man could wish to smother an enquiry into the conduct of the persons alluded to: an enquiry must certainly take place; but his hon. friend, thinking that punishment ought not to precede an enquiry, had restored them to their places; determined, no doubt, to suit his conduct to the issue of the enquiry. He said, if the hon. baronet and the hon. gentleman who spoke before him, considered a moment, they, surely, would think that calling, what his hon. friend had done, a daring insult to the public, was an expression not more harsh than unjustifiable. With regard to the hon. gentleman who spoke last but two, he had, on some occasions, touched upon humanity: now, surely, if that hon. gentleman would reflect ever so little, he would see, that it was the fixed principle of humane justice (if he might couple two such words) to presume every person innocent, till some criminality was proved against him. To talk, therefore, of the public, supposing Messrs. Powell and Bembridge guilty, before any proof of their guilt was adduced, was not less a libel upon the humanity of the public, than it was a cruel and unwarrantable attack upon those gentlemen. Mr. Fox said, that the one of them with whom he had been acquainted, namely, Mr. Powell, had ever had the character of a man of the strictest honour and honesty; he saw no reasons, therefore, for accepting the accusation (even if accusation there was), against such a character for proof, nor of condemning him unheard, any more than of condemning any other person, accused of any other offence, before he had been fairly tried. With regard to the degree of public responsibility belonging to the offices of cashier and accountant, it was no affectation in him to declare he was wholly ignorant what that degree of responsibility amounted to; but this he was certain; his hon. friend was responsible to the public, not only for his own conduct, but for that of every clerk under him; and, therefore, it was not to be presumed, that his hon. friend would have restored two persons to their offices under him, of whose unimpeachable conduct he was not, in his own mind, perfectly convinced. But that his having done so, was a daring insult to the public, was, surely, not only a very harsh assertion, but an assertion by no means true. It was possible for the last paymaster to have seen the same conduct in a reprehensible point of view, and for his hon. friend to have seen it in a very different point of view; and, in consequence, for the late paymaster to have discharged Messrs. Powell and Bembridge, and for the present to have restored them, without there being any thing in either case

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like an insult to the public, much less a daring insult. His hon. friend could never have been so weak as to suppose, that the act of restoring the cashier and accountant would pass unnoticed, or that it would not call forth observation, and provoke enquiry. Undoubtedly it was obvious, that notice would be taken of it in that House; and he had no manner of doubt, but that his hon. friend would be able to shew, that he had not, by any imprudent and hasty measure, done a thing so culpable as some men chose to suppose it. An enquiry into the whole affair must be made, and it was a matter that concerned him more nearly than any other person whatever. He explained this, by stating Mr. Powell to have been the acting executor of his father, and said, if contrary to his general character, contrary to what he believed, Mr. Powell should not turn out a man of honour and honesty, the House must see, that in so large, so complicated a transaction as the executorship of his father's affairs, there must have been great opportunity for wronging his family; and though 40 or 60,000*l.* was a trifle with regard to the public, yet when it came to be the case of an individual, the consideration was a large one. Mr. Fox reasoned upon this, and very amply defended Mr. Burke on the presumption, that he would, at the proper time, be able to justify what he had done in the instance in question.

Here the conversation was dropped.

*Sir Thomas Rumbold.*] The *Lord Advocate* complained of the very thin attendance that he had hitherto found, whenever the Bill of pains and penalties against sir Thomas Rumbold became the subject of discussion. He wished to know, whether it was seriously intended to pursue the business to the end or not? If it was the intention of the House to drop it, he wished to be made acquainted with that circumstance, and then he would not move for another hearing on the subject; for it was a mockery to go into the evidence on the Bill, when there could not be kept together a sufficient number of members to make a House.

Mr. *Fox* declared, that, to drop the Bill, would be productive of the most fatal consequences; for it would convince the world, that the most atrocious misconduct in India would meet with impunity in parliament; and, therefore, he requested gentlemen would, for the credit, honour, and interest of the country, attend to the evidence for and against the Bill. If the Bill should be lost for want of attendance, it would not clear the character of sir Thomas Rumbold; on the other hand, it would hold out this idea to the people of India, that it was in vain for them to expect redress of their grievances in England.

Mr. *W. Pitt* thought, that some mode might be devised to enforce attendance, as in the case of ballots for election committees; on which occasions the House could not proceed to any business till 100 members were collected; nor could any of these 100 members depart from the House till the business of the ballot was concluded.

*Debate in the Lords on the Loan Bill.*] May 1. The Earl of *Shelburne*, understanding that the Loan Bill was to be discussed on Monday next, requested their lordships would be cautious how they suffered a Bill of that magnitude to pass without a proper investigation; for notwithstanding the public demands might be urgent for the supply, yet it would be better to delay those supplies for some little time than permit the community at large to groan under an imposition. Should it prove that those who had the conducting of the business could not possibly make better terms than they had done, they would certainly deserve the thanks of the public; but this, he greatly feared, would not be the case.

Viscount *Stormont* was surprised that the noble lord should have the most distant idea of delaying the Bill in its progress, when he considered the necessity there was for its immediate dispatch; so convinced was he of the necessity that not the least delay ought to be given, that he would move their lordships for the second reading immediately; that it be ordered to the committee to-morrow, and that it be read a third time on Monday; and, as he found the Bill was to undergo a severe scrutiny, their lordships might either take it into consideration now, in the committee to-morrow, or on the third reading on Monday, as they should think most proper. He was certain the House had an undoubted right to investigate a loan, as well as every other Bill that came before their lordships; but if a plain man might be allowed to speak from experience, in answer to that flow of eloquence which had just been used, he should give

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it as his opinion, that their lordships making an alteration in a money bill, was, in fact, throwing it out; but whatever might be the fate of the Bill, he doubted not their lordships would be convinced of the propriety of his motion, and suffer the Bill to be read a second time.

Lord *Thurlow* was of opinion, that it would be highly improper for the noble lord's motion to take place; as it had been generally understood both in and out of that House, that the second reading of the Bill was fixed for Monday: many noble lords who intended to be present, and had some remarks to make, might not be then in the House, and, of course, must lose an opportunity, not only of hearing the terms of the loan fairly investigated, but be entirely deprived of taking part in that investigation; besides, it would be breaking in upon the constant practice of that House, and might, in future, be held as a precedent for bringing on matters of the greatest importance by surprise, at a time when scarcely any of their lordships should be present; he likewise thought the motion a very improper one, to come from the noble viscount, unless he was to understand that no dependance was to be placed on what one peer said to another. A noble friend of his had written to him from the country, to know when the second reading of the Loan Bill was to be; he, willing to give his friend the best information in his power, had applied to the noble viscount, stating the matter, requesting to know when administration meant to bring it forward, and had received for answer, on Monday next; he accordingly sent word so to his friend, not imagining the noble lord meant himself to bring it on sooner.

Viscount *Stormont* said, that when the learned lord applied to him, he had given him the best reply in his power; it was impossible for him to give a positive answer; as from the situation he held, he could not be supposed to speak officially; and from his total ignorance of the exigencies of that department, he could not foresee the actual necessity for bringing it on sooner; had he, however, suspected that his lordship had any particular reasons for knowing the day to a certainty, and that any alteration would be thought by him of consequence, he should not have presumed to have hazarded any answer to his requisition, but have referred him to the noble duke, now at the head of the Treasury-board; he could not, for a moment, harbour an idea, that the learned lord wished to send private letters for noble lords to attend on such particular business; he knew that he was too sensible of his own dignity to descend so low; at least, every one in that House must be incapable of supposing he would stoop to such a transaction.

Lord *Thurlow* declared, he never had, nor ever would, be the means of bringing any noble lord to that House, upon any subject whatever: he acted upon his own principles, and he should leave every lord to do the same. In the present case, he had received a letter, merely to know the day the business was to come on, and he had sent an answer, the best he could get. The noble viscount, among other things, had said, he should not think of making any alteration in a money bill, as it would be, in fact, equal to objecting to it altogether, but give it a negative at once; allowing that would be the case, he must differ with the noble viscount in his proceedings, and would rather choose to send it back with alterations, that the other House might see in what points they differed.

After some further conversation, the Bill was read a second time.

May 5. The order of the day was read for the third reading of the Loan Bill, when

The Earl of *Shelburne* rose, and called the attention of the House to two propositions, which he introduced with a preface of considerable length, disclaiming all ideas of rancour and enmity, and professing that he was actuated by no retrospective motives whatever. He had turned in his mind a matter which had fallen from a noble viscount (Stormont) a few days ago, respecting the exclusive privilege claimed by the House of Commons, of being the institutors, and, in a great measure, the sole directors of all money bills. This was an idea that he wished by no means to give any countenance to. The House of Commons, he was well assured by a person of the first distinction in this country, who had lived in habits of intimacy with all the great men from the reign of king William to the present time, were constantly encroaching on the power of the Lords. And this disposition to encroach, if suffered to continue, must materially impair, if not totally destroy, that constitution which was the envy and the admiration of every foreign nation.

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Since, then, a period ought, some time or other, to be put to, matter of such dangerous tendency, his lordship saw no reason for delaying the salutary remedy for a single moment. He thought the present was as opportune a season as any that could possibly present itself in future; and, considering it in this point of view, he had accordingly drawn up certain resolutions to submit to the House, which were meant to take cognizance of money matters. He did not intend by so doing to create any difference between the two Houses. What he proposed was by no means unusual. It had been solemnly decided on the famous dissention between the upper and lower House of Parliament in a money case, in the year 1671, that the lords had of right the privilege of intermeddling, controlling, and directing the management of the public purse; and, if through laziness, inattention, or timidity, that doctrine had been since shaken, he called upon their lordships, as they valued the existence of the constitution, to re-establish it on the firmest foundation. Without meaning to go into that question at large on the present occasion, or to discuss the propriety of the argument of the noble viscount, he would content himself with saying, that he had given it a good deal of consideration, and as nothing could be farther from his intention than a desire to distress government, or to interrupt the public business, he had hit upon a middle line, which would rescue him from the necessity of opposing the third reading of the Loan Bill, which would steer completely clear of it, and would, at the same time, establish a principle for every ministry to go by in the conduct of future loans. What he alluded to were certain resolutions which he should have the honour to move; but before he stated to their lordships the reasons on which he had grounded them, he would desire that the protest of the 21st of March, 1781, might be read.* In desiring this protest to be read, he meant nothing personal to the noble persons who were now in office. He would have signed that protest himself if he had been present on the occasion; he approved of the principle of it, and wished to apply it to the present day. He enumerated shortly, but accurately, the statements of the several loans which we had had since 1776, in order to shew that the present bargain was in every respect as bad for the public, as that which was complained of in the protest, with this very material difference, that the one was made in war and the other in peace. He said, that perhaps that which was bad at one time might be good at another; as, for instance, lord North was now pronounced to be one of the most upright ministers that ever lived, who used to be one of the most corrupt: and therefore the present loan might be perfectly free from the suspicion of influence and management, although there were the strongest suspicions found against that in the year 1781. Of one part of the present administration he had undoubtedly the highest opinion; their integrity, their tried character, their professions bound him to rely on their conduct; and he had the best opinion of their sincere wishes to introduce economy, and to make use of the most perfect system of reform, but he had no idea that that part of the present ministry who had done so much to ruin the country, would now conduce to save it; and he was therefore afraid that the integrity of the noble duke would not be enough to guard him against the weight of corruption, which he expected would be placed in the opposite scale. From the noble duke he expected every thing that undefiled character, pure honour, patriotism, zeal for the public, firmness, and ability, could produce. If the noble duke was not much conversant with public speaking, it was not a requisite to be coveted; half a dozen sentences of honest declaration would go a greater length from a man of his grace's disposition, than speeches of immoderate length from others; and he would please to recollect, that many, many of the great men of former days were not speakers.

The noble earl then came to examine the grounds on which the protest complained of the loan of 1781, and the essentials which it held out as the principles on which all loans ought to be made. The loan of that year was protested against on three different grounds, the improvidence of the bargain, the corrupt operation, and the partial distribution of it. To these three heads of objection, he should add a fourth, which, in his mind, as much deserved reprehension as any thing else belonging to the loan of the present year; he meant, that there was to be a lottery; of which he would say more before he sat down. His lordship said, it was a prac-

* See Vol. 21. p. 1386.

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tice for persons not immediately skilled in loans, to suspect a mystery in them: he did assure their lordships in general, both young and old, that there was no mystery in them whatever, and he who affected to make a mystery of them, meant to deceive. A man need not be a great financier to qualify him for understanding them; nothing could be more simple and easy, when once loked at with attention. He said, it should be his business to simplify what he had to offer respecting them as much as possible, and he did not doubt, but they would all clearly understand the matter, before he had done. They had nothing to do but to bring their minds to consider millions as hundreds, and to enter upon the account with just the same degree of consideration, that they naturally paid to their own affairs. His lordship said, there wanted nothing but fairness and integrity to make a good loan in times like the present, in times of peace. He then entered into a comparison of the loans made, as he stiled them, in the happy days of the duke of Newcastle, and those in the melancholy times, when lord North presided at the Board of Treasury; and shewed what premium the omnium of the scrip of each bore when the loan had been first opened. After having gone through the whole, he pointed out the different means that there were of making a loan, viz. by an open subscription, by a close one, and lastly by a competition. An open loan he talked of as a measure to be adopted only under certain circumstances, and then rather in time of peace than of war. A close one he thought an extreme good method, but then he advised by all means the keeping the sum wanted, a profound secret till the last moment, to make it with as few as possible, and to give those few the whole without the smallest reserve whatever. He said, the benefit to be derived from giving it to a few was amazing, and that he had found it in the contracts. They were in the hands of fourteen or sixteen when he came into office; he reduced them first to five, and afterwards down to two, and the consequence was, the public were not only better served, but at a less price. The reason was obvious; when a few had the whole, a smaller profit satisfied them, because it was exactly the same, whether a money-lender got a small profit upon a large return of capital, or whether they obtained a great profit on a small return. Another thing in making a loan, was to take care to chuse out none but rich and responsible men, to treat with for it. Such men would make it answer the better, by bringing it gradually to market, and by buying it in again if it fell too low. As a proof of this, he instanced one of the duke of Newcastle's loans, which from some unforeseen accident, fell to 3 per cent. discount immediately. The duke was alarmed, and thinking he had made an unfair bargain with those who had taken the loan, sent to convene a meeting of them immediately. The duke was a good deal frightened as well as the money-lenders, and they knew not what project to hit upon; at length one of them, a very wealthy man, desired the duke to walk with him into another room. They staid out a few minutes, and then he returned with the duke in apparently high spirits. They told the other money-lenders to go home, and to make themselves perfectly easy for that care should be taken of them. The person in question went immediately to 'Change, and buying up the scrip as fast as it was offered to sale, it rose the very next day one per cent. above par. Having declared he had this fact from the son of the person in question who was principally concerned in it, his lordship came to a consideration of the terms of the present loan, and entered into a minute discussion of what the terms were. The noble lord said, he would endeavour to strip the subject of all its hard names and difficulties; and having gone at great length into a statement of the simple, easy, and uncomplicated nature of borrowing money by a loan, he examined every one of the plans distinctly, and gave the preference to a close loan by competition, in which no reserve was made whatever from the individuals who were to make the bargain.

He went into a calculation to shew, that in every essential point the present loan was made in the most improvident and reprehensible way; improvident, because the terms were so much more enormous than they ought to have been, and reprehensible, not only for the want of economy with which it was managed, but also for its being managed for the purposes of influence. He calculated the terms to be, on the first day of its coming into the market, $5\frac{1}{2}$ per cent. and on subsequent days it rose to 6, $6\frac{1}{2}$, 7, $7\frac{1}{2}$, and even to 8, but the fluctuation was from $6\frac{3}{4}$ to $7\frac{3}{4}$, and the medium was about $7\frac{1}{4}$.

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He stated the several component parts of the bargain; and said the first great fault in it was, that the minister had not taken care to have the proper advantage of selling for time. He had seemed totally to overlook the discount, and he had not taken the advantage of the competition which there was in the market. To his knowledge a competition was offered, and that by men of the first ability, and the offer made too by a smaller number of persons than that to whom it was given; but this offer seemed to be totally overlooked. The loan was made too in a time of peace, when the minister had a right to demand better terms than he could during the war, because he had not the same exigencies for the money. It was made also in a season, when the spirit of gambling so much prevailed, that there was five times the sum offered which was wanted. It was made too in a moment when the minister had all the benefit of secrecy of the sum necessary, and was able to meet the money-lenders without their having been able previously to know what sum was wanted, or what funds were to be taken for the bargain. Under all these advantages the loan was made on terms so high as those he had mentioned, and not only so, but the most unwise and impolitic measure had been taken, whereby not only the money of the people was squandered, but the credit was actually shook; for instead of settling terms that should give the stock-holder an idea that the debt was to be diminished, funds were taken, by which, in order to borrow 12 millions, the nation was loaded with an increase of 16½ millions of debt; so that whenever we had to pay back this sum of 12 millions, we should have to pay 16,500,000*l.* He complained of this as the most improvident of all possible ways of borrowing money, and that above all others of which he disapproved.

The influence of the bargain was the next object. It certainly was fair to say that there were clear grounds for suspecting that this was managed for the sake of influence as well as the loan of 1781. A reserve was made, which was disposed of to the friends of the minister; and in this there were several descriptions of characters pointed out as proper to be considered—clerks in office, members of parliament, and a variety of others. Without meaning to go minutely into the list, he said it was easy to perceive that many of the persons set down there were men without a shilling; and that by this most pernicious of all modes of influence the Treasury had had in this loan, which could be detected, 144,000*l.* to give to their friends; and in an article he thought he could lay his hand upon 90,000*l.* more. He reprobated, in most severe terms, this sort of conduct, and came to speak of the slovenly, but most inconvenient stratagem for the eking out the loan, which they had used in granting a lottery. It was a species of public gambling the most dangerous and offensive, because it corrupted the manners of the people, and ought to be at once and for ever abolished.

After having argued this for a considerable time, his lordship took a view of what he had heard had been said in defence of the loan; and first, he observed it had been insinuated, that its badness was to be ascribed to a certain interregnum, the blame of which had been thrown upon him. In answer to this, he denied the accusation; he wished to God it could be ascertained who it was to whose conduct that interregnum had been owing. Let it be who it would, he would venture to say, the person ought to be dragged forth to condign punishment as an example to the whole nation. It had also been said, that the last administration had been the cause of it, by staying in office so long after they had seen it was impossible for them to keep their places. In answer to this, he had only to reply, that the accusation was groundless; as soon as he had heard of the first resolution of the House of Commons, he had felt it right to make up his mind as shortly as possible to going out; on the Saturday morning, as soon as he had heard of the resolution and the division, he had asked, if there was any other motion given notice of for Monday, being determined not to recede an inch, while any thing farther was agitating in consequence of the two former resolutions; and he trusted, it would be considered as manly conduct in him to have stood firm in such a moment, and not to have done any thing that looked like an attempt to flinch from the justice of his country. Hearing that no notice of any farther motion had been given, and finding that the House of Commons, notwithstanding its two former resolutions respecting the peace, durst not proceed against him personally, he intimated his intention to his sovereign by letter, and he went to St. James's on the Wednesday to perform it. He owned he had staid in

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office merely with a view to make what he had said at going out, correspond with what he had said at coming in, and that cordial peace with America should be the beginning and end of his official career. Out of respect, therefore, to the city of London, with whom he always had lived upon good terms, and hoped he always should, he had staid in office till the Wednesday, when they went up with their address on the peace, in order to take care of the answer; and the noble lord near him (Sydney) would, he doubted not, do him the justice to declare, that the words of that answer were more his, than those of any other person at that time in office. It had been asked, how could a better loan be made in a hurry? He saw no argument whatever in this question. The loan was settled on the Saturday, and not opened to the House of Commons till the Wednesday following. Was that a proof of hurry? If better terms had been got on the Saturday than could be had on the Friday, there was every reason to expect still better might have been had on the Tuesday evening; and yet it might have been opened to the House on the Wednesday. In reply to the argument so often resorted to, that the last administration ought to have made the loan, did even those who used the argument think it possible for them, after having lost the confidence of the House of Commons, to have carried through such a measure? It was absurd, in the highest degree, in all who used such an argument, to charge them with not having done what they themselves would have been the most clamorous to prevent, had they been weak enough to have supposed it practicable, or mad enough to have hazarded the desperate attempt.

His lordship went into a discussion of the funds taken to make parts of the loan, and argued upon the propriety of trying a 5 per cents.; after strenously endeavouring to show, that the creation of such a stock would have looked like an intention to pay off a part of the national debt as soon as possible, he asked if hurry had prevented ministers from adopting that plan? He reasoned much upon the question, that it was adviseable to raise the money without adding unnecessarily to the debt of the nation. As the case stood, we were to pay 16 millions for 12. He contended, that it was more adviseable to pay a high interest, and incur a small debt of capital, than to have a large capital entailed upon us by preferring a small interest. If once the idea prevailed, that it was not our intention to lessen the national debt, public credit would be lost, and public credit it was that had upheld us throughout the war, and rendered us the wonder and envy of all Europe. After going through the other considerations he spoke of a lottery, which, he said, he had at all times reprobated as a measure poisonous to the morals of the people, and productive of the most pernicious mischiefs. Lotteries first introduced and encouraged that species of gambling, which had paved the way for E. O. tables, and had gone so much farther as to affect the Bank of England itself, and the great trading companies, by turning the ingenuity of the artists, which ought to be the country's boast and its advantage, directly against its existence, and making those who were resorted to as the means of preserving our paper credit, eager to wound it mortally, by stabbing it in the most vital parts. He described lotteries, which infested and illumined our streets every night, as splendid instruments of ruin and distress. Nor were they in his mind at all necessary; six or seven shillings short annuity, would, he said, always prove as good a make-weight, and be attended with infinitely less fatal consequences to the community. His lordship concluded with moving his resolution, "That it is the opinion of this House, that all future loans should be conducted in the manner which may best conduce to the reduction of the national debt, or which may, at least, not obstruct such a reduction, but rather manifest the intention of government, to proceed in due time to such a measure." The noble earl then said, that he intended to move another resolution, which he would now read to their lordships, which was, "That it is the opinion of this House, that whenever it shall be thought expedient in negociating a public loan, to deal with individuals, and not on the foot of an open subscription, the whole sum to be raised shall be borrowed of, or taken from such individuals, without reserve of any part for the future disposal of any minister."

Earl *Fitzwilliam* differed entirely in opinion with the noble earl, with respect to the censure he had endeavoured to throw on the negociators of the loan; he admitted the terms were not so good as we might have expected would be made in

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time of peace; but when we adverted to the situation men in power were in, and the absolute necessity there was for their obtaining the money immediately, he could not think they had made so culpable an agreement. The money-lenders knew the necessity there was for an immediate supply; they knew how much would be wanted: for 16 millions had been voted in the House of Commons, and only three had been provided for; they were therefore certain that 12 was the least that government could possibly want to raise. This, with a variety of other inconveniencies, the ministers had to contend with on their entering into office, made the monied men carry it with a high hand; and therefore he was of opinion, that they rather deserved the commendation than censure of their lordships for the terms on which they obtained the money. His lordship said, that the price of the funds must necessarily be taken at the price they stood at on the day when the bargain was made; and, notwithstanding all the specious reasoning about the time-price, every man, who knew any thing of the matter, knew the money-lenders would not listen to the idea of such a prospective value of the funds being made the basis of the bargain. His lordship showed the fallacy of several of lord Shelburne's arguments, especially with regard to a competition, which he agreed, could it have been had, would have been a matter extremely desirable; but he reminded their lordships that there must necessarily be two sets of bidders to make a competition; and the four gentlemen who had written a letter to the Chancellor of the Exchequer advising a competition, had only generally said, they would be one set, but without stating their terms, or in any way enabling government to take advantage of their advice, or to create an auction of the loan. Nay, so far from it, that on the Friday, when the noble lord at the head of the Exchequer proposed terms lower than those offered by the money-lenders, though in a very trifle only, three of the letter-writers were in the room, and had not the spirit to accept the noble lord's terms, or to offer others of their own. The earl reasoned very ably in defence of the loan, declaring, that considering the peculiar circumstances under which it had been made, if not so good as it might have been, under other circumstances, it was certainly such a one as his Majesty's present servants stood highly excusable for having made. His lordship said, the two resolutions appeared to him to be, the one unnecessary, and the other highly improper. No man denied, that all loans ought to be made, with an intention to proceed, in due time, to reduce the national debt. The present loan had been made with that view, and as to the question whether creating a 5 per cent. fund, or raising upon the 3 per cents. was most advisable, it was all mere matter of speculation and opinion. In his judgment, the mode adopted was the most practicable, and the most reasonable for the public. With regard to the second resolution, he should not scruple to give it his direct negative. But at present, he conceived it was unnecessary for him to go much into either of the resolutions, because the Bill must be disposed of first, it having been ordered to be read a third time.

Viscount *Stormont* conceived their lordships to be out of all order. The question then before them, was for the third reading of the Loan Bill; with what propriety, therefore, they could have another question brought before them, before they had got rid of the first, he was unable to determine; he knew of no other way there was for their lordships to proceed, than by determining either to pass or postpone the present question, if they could possibly conceive that to be necessary, and then they might have a fair opportunity of investigating the resolution that had been proposed.

The Earl of *Shelburne* perceived he was rather out of order, in not having introduced his resolution previous to the motion for the order of the day; but it was far from his intention to take their lordships by surprise. He had not the least idea of hurrying the House into any kind of resolution; if they thought proper, he had no objection to its lying on their lordships' table for six weeks; but he did not perceive why, as it was then before them, it should not be proceeded on.

Lord *Thurlow* said, that it certainly was the most orderly way of proceeding, to determine on the order of the day, that order having been moved for; but then it was at the same time clear, that his noble friend in the blue ribbon had suffered that order of the day to be entered upon by mistake, not recollecting that his motion should have been made previous to it; but, however, if the noble viscount persisted in the form being so strictly ob-



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served, it was still in his noble friend's power, with the indulgence of the House, to recover all, by moving the order of the day to be adjourned for an hour.

After a short conversation, the question was put for postponing the order of the day for one hour, which being agreed to, lord Shelburne again moved his resolution, when

Viscount *Stormont* observed, that he had given his consent for adjourning the order of the day, concluding the noble lord in the blue ribbon would have brought them on together; but, however, as his lordship had admitted the one was meant to be connected with the other, he trusted he should not be charged with being out of order, if he considered them so, and spoke of the Money Bill, although it was not, in fact, before the House. He would not attempt to follow the noble lord in those nice calculations which he had stated, and accurately, he had not the least doubt; but should confine himself to state the circumstances under which this loan had been procured; in the course of which he should take an opportunity of mentioning what he conceived to be the true cause of many of the disadvantages that ministers had to combat with, in compliance with the intimation of a noble and learned lord; notwithstanding, he was aware how truly disorderly it was for a member of that House to allude in one debate to what had passed in another. It ought to be remembered, that the present administration did not come into power until the 2nd of April, and that the exigencies of the state were such, that they were compelled to settle the terms of the loan within ten days after, and of course were glad to make it on the best terms they could. A competition had been mentioned as the best mode of raising the money; he believed it was; it had been tried by a noble lord in the other House, and the public had reaped the advantage; but in this case, there was not time to raise that competition. It was asserted, a letter had been sent to the Treasury offering one; he averred it was not, in fact, any such thing; for the letter only mentioned a competition, without making any specific offer of one, or stating any terms upon which the authors, as one set of bidders, would agree to take it; therefore, it amounted to nothing, as the negociators could not say they had received an offer which was in any shape to affect those with whom the treaty was on foot. He had ever understood, that in these transactions, the money was always rated at the then price of the stocks in which they meant to purchase; this had been adhered to in the present treaty, but then they rose the next day, and the day after, and it was certainly a very enormous crime in the minister not to foresee it! With respect to a lottery, it was a douceur that the money-lenders had been long accustomed to, and they would not have been prevailed on to treat without that or some similar advantage; and, provided there had been an offer made of any new mode, they would have taken care not to hazard the new invention themselves, but would have made the public pay for their trying whether it was an advantageous scheme or not. While there were lotteries in Flanders, France, and Holland, it would be impossible to check the spirit of gambling entirely; and, if there was a considerable sum to be made by that vice, why should not this kingdom reap the advantage as well as any foreign state, especially as by the late regulations the greatest of its evils had been prevented? He would not say the present was a good loan; he only meant to contend, that it was as good a one as could possibly be expected from the circumstances under which it had been negociated. It had been asked, what had occasioned those difficulties? He would wish to know why the late administration had not brought it forward, as it was a notorious fact, that an early loan was always the most advantageous to this kingdom? He did not say they should have brought it on in November; but they, according to their own accounts, had a glorious time to bring it forward; a time when the kingdom at large was elated—for what kingdom was not elated at the return of peace? That was the time when they should have treated for their loan, when the nation, flushed with peace, had not yet considered the terms on which they were to have it; when the 3 per cents. were up to 70, and before reflection took place, and they saw at what an expense they had purchased that peace, and with what a lavish hand their possessions had been dealt away; they had sufficient time from the 25th of January, when the preliminary articles arrived, to the 17th of February, when the vote passed against them in another House: even after this they ought to have brought it forward, if they had

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chosen to remain in office. A noble lord in the other House had done so when he found it necessary to retire from his Majesty's service; and it might, perhaps, have been much better for this country had they followed that noble lord in that, as well as in many other circumstances. He had heard some people talk of an interregnum; but he could not harbour so bad an opinion of the noble lord in the blue ribbon, as to suppose they did not act to the last moment of their remaining in office with the same integrity they did at first, and that they endeavoured to make every thing as smooth and easy as lay in their power for their successors. That those noble lords should now be the first to raise obstacles gave him some little degree of surprise, as they must be fully convinced of the almost insurmountable difficulties the present ministers had to contend with.

He knew there was too much candour and integrity in that House to be led astray by the most powerful rhetoric, or flowery eloquence; while it could be answered by plain matters of fact, integrity of intention, and fairness of proceeding; upon these principles he did not doubt the present motion would meet a negative, as it went to answer no good purpose, but merely to start obstacles in the proceedings of government, and to cast a distant reflection on the negociators of the loan.

The Duke of *Portland* found it necessary to rise, in order to clear up some circumstances with respect to his treating for the loan in the manner he had done, and to state the current prices of the stocks, when the bargain had been settled. The noble earl had paid him some compliments on his integrity, which to be sure were very flattering; but he assured the noble earl, that he did not expect that he would receive any peculiar credit for the two or three sentences he should at any time deliver in that House, unless these sentences should contain plain and stubborn facts. He said, that when they came into office there was but 400,000*l.* in the Exchequer, and there were claims on the Treasury for services to the amount of 3,400,000*l.* Besides this, the navy was in a most mutinous condition, and called to be paid off. It was incumbent on them to answer the demands which were made, and to do this, the loan must be made without delay. The noble lord had said that they had the benefit of secrecy as to the sum to be borrowed. This was impossible, for the money-lenders all knew that there were services voted to the amount of 16 million, and that only the land and malt, and some other trifles were voted to answer them. He said, they had the advantage of competition. In this he was misinformed. A letter had been written to the Treasury, proposing a competition; but no offer was made, no specific proposition was sent in, and nothing which could justify ministers in keeping off from the bargain which they made. He charged his predecessors with blameable delay, either in retaining their offices after they had lost the support of parliament, as in not discharging the duties of office while they remained in.

Lord *Keppel* corroborated the noble duke in what regarded the mutinies in the navy, and the necessity that there was for paying off the ships without the loss of a moment.

Lord *Sydney* justified himself and colleagues against the charge of being accessary to the delay complained of. He attributed it to dissentions among those who were now in office; and he was proceeding to state a number of rumours, when

Lord *Ravensworth* called him to order, and said they did not come to hear stories about their cabals and struggles, and goings out and comings in.

The Earl of *Derby* warmly opposed the motions, and said that nothing could be more impolitic and absurd than the propositions.

Lord *Loughborough* questioned the good sense of their coming to resolutions respecting the management of loans, where no loans could originate, and where none could, in fact, be altered or amended. The good sense, or even the common sense of the first proposition was still more doubtful: he did not know how to decypher it, or how to make out what it wished for. It had "the true no meaning," which "puzzled more than wit." For how was a loan to contribute to the reduction of the national debt? A loan was calculated in its nature to increase the debt by the exact sum which was borrowed; but it could not make it less. The noble lord played with this idea, and then came to the next passage, and desired to know how it was possible that a minister could, by the mere act of a loan, express his wishes and intentions of reducing the national debt. He might by

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words in the preamble of the statute talk about his willingness; but he had no conception of the noble earl's meaning, when he said that the act of borrowing money would in itself be a reduction of debt, or shew a tendency thereto.

Lord *Thurlow* attacked lord Loughborough's mode of treating the motion with some severity. He contended against the present loan, as a bargain worse for the public than it ought to have been; for he said, he knew that a competition was positively offered. His lordship said he had a story to relate whenever he chose to tell it, and he had authority to relate it from the party whence he had it, but he would not then go into it. He would barely say, that he had been assured, that when a former loan of two millions was in agitation, a gentleman every way responsible offered to take the whole of it at an eighth cheaper than the bargain was afterwards made, but that the minister pulled a list out of his pocket, and insisted upon a reserve for such of his friends, whose names were on that list, whereupon the gentleman would have nothing to do with the loan, and the public lost an eighth per cent. in order to oblige the minister's friends. He advised the noble duke to be upon his guard. Strange stories were in circulation, relative to the present loan, several of which he recited. He complained of having been called the avowed advocate of influence, appealed to his conduct respecting the contractors Bill, and declared it was his opinion that the minister ought to be hanged who corruptly distributed the loan with a view to influence.

The Earl of *Derby* expressed his surprise, that the learned lord should now, for the first time, have found so much fault with a mode of making loans, which had obtained for years without his starting a single objection to it. His lordship retorted upon lord Sydney for his charge of the interregnum upon the present administration with great success; and said, the last administration having lost the confidence of the House of Commons, as the noble lord in the blue ribbon had confessed, had caused the interregnum. He declared, he wished to know, how an enquiry of such a delicate nature could be set on foot. He called upon lord Shelburne to shew how the plausible promises in the King's speech had been fulfilled, before he urged the noble duke and his friends, who had been in office but a fortnight, to produce the acts of their administration, in proof of their good intentions.

The Earl of *Shelburne* declared, he would readily join with the noble earl who spoke last in an address to the throne, to know who had been the cause of the strange state in which the country had remained for six weeks. With regard to the argument that he had lost the confidence of the House of Commons, he did not believe he had lost it. But, said the noble lord, let the House of Commons beware, or they will lose my confidence. He said again, with regard to himself, he had gone out of office holding up his head higher than those who came in. He thanked God he remained independent of all parties. With regard to the promises in the King's speech, they had begun to be fulfilled; a Custom-house Bill, a very essential reform, had been presented to the House of Commons; other great and essential plans of reform and economy were ripening, and would have soon been matured had he and his friends continued in office. Let the noble earl enquire at the Treasury, he would learn there, that great reforms were in preparation when he was obliged to quit his situation. The Admiralty department was, he must own, the least active of any great department, with a view to reform. He declared he meant no attack; but such was the fact. With regard to the question so often put of "Why did not the last administration make the loan?" The truth was, the loan was to have been brought in the very next week after the resolution upon the peace passed the House of Commons. The terms intended were far different from those now adopted. He could assure the noble lords no reserve was to have been in the case. The whole of it was to have been transacted with secrecy, and one idea upon which it went was to have given it chiefly among the old stock-holders, as a recompense for their losses. With regard to the resolutions, let the House adopt them or reject them; he was perfectly indifferent. Nonsensical as they had appeared to a learned lord, he was content to let them rest on their own bottom.

Lord *Keppel* observed, that the noble lord had said he meant not to attack; but certainly, what he had said was very like an attack. He bid the noble earl recollect that he was at the head of the Admiralty while we were engaged in a war; his attention, therefore, had been directed

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to the greater objects of actual and immediate service, and not plans of reform, that could only be attended to in times of peace. His lordship complained of the noble earl having endeavoured insidiously to interfere with the office in a manner extremely inconvenient, and as he thought impolitic, for it tended most unseasonably, to diminish the influence and authortiy of the Admiralty-board, over the subordinate boards, by making them accountable to the Treasury.

The Earl of *Shelburne* said, that lord Howe had expressly come into office on an agreement to push the reform of his department with the same vigour, that had distinguished the noble duke's ordnance office reform. His lordship added, that lord Howe, when he came home from Gibraltar, complained of the bad discipline of the fleet, insomuch that the noble viscount had declared the peace absolutely necessary; since he did not think it safe for a man to trust himself with a fleet, while such a total want of discipline prevailed.

Lord *Keppel* said, that lord Howe neither directly nor indirectly made any such complaint to him; and as to discipline, that lay not with him but with the commander of a fleet; at least he should have thought so, had he been at the head of the Gibraltar fleet; but as the noble viscount was absent, it would be better to say no more upon the subject till he could be there to answer for himself. His lordship then alluded to some conversation that had passed between lord Shelburne and himself in private, and charged the noble earl with having interfered with his office through clerks, unknown to him, and in an underhand manner.

The Earl of *Shelburne* said, he would answer the charge with one word. It was false. [A cry of order, order!] He declared, he meant not to pronounce what the noble viscount had said, as from himself, was false, but that the information from which he had spoken, was a falsity. He scorned any thing like underhand work, as much as the noble viscount. If the noble viscount alluded to the victualling office, the abuses in that office were gross and scandalous, and called loudly for reform. If he meant the Navy-office, that was necessarily and naturally connected with the board of Treasury; one of its officers, a respectable and worthy character, having frequently attended him. With regard to his attack on the noble viscount near him, be that as it might, the noble viscount seemed determined to make a most direct attack upon him [Lord Keppel said from his seat, "With all my heart."] His lordship farther said, that for some months before lord Keppel resigned, they had not been upon speaking terms, and that all the time he knew not whether he was to have the noble viscount's support or not, or whether he would or would not resign; but during the time, the noble viscount had confessed he had borne himself in a fair and manly way towards him, and not "smiled, and smiled, and been a villain."

The Resolutions were negatived; after which the Loan Bill was read a third time and passed.

*Debate on Mr. Pitt's Motion for a Reform in Parliament.*] May 6. The call of the House on Mr. Pitt's motion for a Reform in Parliament, standing for this day, there was an uncommonly numerous attendance, nearly 500 members being present. As soon as the clerk had done calling over the names,

Mr. *W. Pitt*, seeing lord North in his place, rose to put a question to him. It was reported, he said, that the noble lord remained in that House only for the purpose of opposing the proposition that he intended to make to-morrow. If the noble lord had this business so much at heart, he would ask him whether he would consent that the House should resolve itself to-morrow into a committee, to take into consideration the resolutions that he should have the honour to propose? For his own part he preferred a discussion in a committee to that in a house, because in the former there was a greater latitude of debate.

Lord *North* said, that to spread a report that he remained in that House for any one particular purpose was very indecent. It became not him to say when he should be called to the other House, or whether he ever should be honoured with a seat in it; to call him to it, lay in the power and will of others; and, therefore, he could not say that he should be removed from the House in which he was then speaking; but whether his stay in it should be short or long he would always do his duty, and give his opinion freely on every subject that should come before him. As to the question put to him by the right hon. gentleman he would give this answer to it, that, for one, he would not consent that

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the resolutions, which the right hon. gentleman intended to make to-morrow, should be discussed in a committee; for to consent to such a thing would, in some measure, amount to an approbation of the principle of making a reform in the House, to which he would not, at least, for the present, give his vote. There might, perhaps, be some imperfections in the present state of the representation; but this was, in his opinion, an improper time to enter upon a reform.

May 7. An immense concourse of people assembled early in the lobby and avenues leading to the House. The gallery was full before twelve o'clock. Several petitions were presented from various descriptions of persons, praying for a reform in the representation of the people in parliament; one was presented by Mr. Masham, from the freeholders of the county of Kent; another from freeholders, whose freeholds lie in the city of London; a third was presented by Mr. Byng, from the householders of the Tower Hamlets; and a fourth by Mr. Fox, from the electors of Westminster. After these petitions had been received, and all the other petitions on the same subject, which had been presented during the preceding month, had been brought into the House by the clerk, and laid on the floor near the table,

Mr. *William Pitt* rose to open the business. He declared, that in his life he had never felt more embarrassment, or more anxiety than he felt at that moment, when for his country's good he found himself obliged to discover, and lay before the House, the imperfections of that constitution to which every Englishman ought to look up with reverential awe; a constitution which, while it continued such as it was framed by our ancestors, was truly called the production of the most consummate wisdom: raised by that constitution to greatness and to glory, England had been at once the envy and the pride of the world: Europe was taught by experience that liberty was the foundation of true greatness; and that while England remained under a government perfectly free, she never failed to perform exploits that dazzled the neighbouring nations. To him, he did assure the House, it was interesting indeed; interesting and awful beyond all power of description. He wished, however, the House to view the arduous and very difficult task he had ventured to undertake in its true light. No man saw that glorious fabric, the constitution of this country, with more admiration, nor with more reverence than himself; he beheld it with wonder, with veneration, and with gratitude; it gave an Englishman such dear and valuable privileges, or he might say, such advantageous and dignified prerogatives, that were not only beyond the reach of the subjects of every other nation, but afforded us a degree of happiness unknown to those who lived under governments of a nature, less pregnant with principles of liberty; indeed, there was no form of government on the known surface of the globe, that was so nearly allied to perfect freedom. But a melancholy series of events, which had eclipsed the glory of Britain, exhibited a reverse of fortune, which could be accounted for only upon this principle, that during the last fifteen years, there had been a deviation from the principles of that happy constitution, under which the people of England had so long flourished.

Mr. Pitt reminded the House how and upon what reasons the public had begun to look at the state of parliamentary representation; of the steps they had taken to procure some remedy for the inadequacy which they discovered; the degree of success that their endeavours had met with; and what it was, that particularly occasioned him to rise at that moment, in support of their petitions. He said, to put the House in possession of all these circumstances he need only advert to the history of a few years recently past; a history which he would touch upon as shortly as possible, because it was not only a most melancholy picture of calamitous and disgraceful events, but because it was so extremely difficult to mention it in any shape, that would not appear invidious and personal. He then stated, that the disastrous consequences of the American war, the immense expenditure of the public money, the consequent heavy burthen of taxes, and the pressure of all the collateral difficulties produced by the foregoing circumstances, gradually disgusted the people, and at last provoked them to "turn their eyes inward on themselves," in order to see if there was not something radically wrong at home, that was the chief cause of all the evils they felt from their misfortunes abroad. Searching for the internal sources of their foreign fatalities they naturally

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turned their attention to the constitution under which they lived, and to the practice of it. Upon looking to that House they found that by length of time, by the origin and progress of undue influence, and from other causes, the spirit of liberty and the powers of check and control upon the crown and the executive government were greatly lessened and debilitated. Hence, clamours sprung up without doors; and hence, as was perfectly natural, in the moment of anxiety, to procure an adequate and a fit remedy to a practical grievance, a spirit of speculation went forth, and a variety of schemes, founded in visionary and impracticable ideas of reform, were suddenly produced. It was not for him, he said, with unhallowed hands to touch the venerable pile of the constitution, and deface the fabric; to see it stand in need of repair was sufficiently melancholy: but the more he revered it, the more he wished to secure its duration to the latest posterity, the greater he felt the necessity of guarding against its decay. Innovations were at all times dangerous; and should never be attempted but when necessity called for them. Upon this principle he had given up the idea which he suggested to the House last year; and therefore his object at present was not to innovate, but rather to renew and invigorate the spirit of the constitution, without deviating materially from its present form. When he submitted this subject to the consideration of the House last year, he was told, that the subject ought not to be discussed amidst the din of arms; the objection was not then without its force; but at present it could not be renewed, as we were happily once more in the enjoyment of the blessings of peace. This therefore was a proper time to enter upon the business of a reformation, which every man, who gave himself a moment's time to think, must be satisfied was absolutely necessary.

An Englishman, who should compare the flourishing state of his country some twenty years ago with the state of humiliation in which he now beholds her, must be convinced, that the ruin which he now deplores, having been brought on by slow degrees, and almost imperceptibly, proceeded from something radically wrong in the constitution. Of the existence of a radical error no one seemed to doubt; nay, almost all were so clearly satisfied of it, that various remedies had been devised by those who wished most heartily to remove it. The House itself had discovered, that a secret influence of the crown was sapping the very foundation of liberty by corruption: the influence of the crown had been felt within those walls, and had often been found strong enough to stifle the sense of duty, and to over-rule the propositions made to satisfy the wishes and desires of the people; the House of Commons (in former parliaments) had been base enough to feed the influence that enslaved its members: and thus was at one time the parent and the offspring of corruption. This influence, however, had risen to such a height, that men were ashamed any longer to deny its existence, and the House had at length been driven to the necessity of voting that it ought to be diminished. Various were the expedients that had been thought of, in order to effect so salutary a purpose, as was that of guarding against this influence; of shutting against it the doors of that House, where, if it once got footing, after the resolution alluded to, liberty could no longer find an asylum. The House of Commons, which, according to the true spirit of the constitution, should be the guardian of the people's freedom; the constitutional check and control over the executive power, would, through this influence, degenerate into a mere engine of tyranny and oppression, to destroy the constitution in effect, though it should, in its outward form, still remain.

Among the various expedients that had been devised to bar the entrance of such influence into that House, he had heard principally of three. One was, to extend the right of voting for members to serve in parliament, which was now so confined to all the inhabitants of the kingdom indiscriminately, so that every man, without the distinction of freeholder, or freeman of a corporation, should have the franchise of a vote for a person to represent him in parliament:—and this mode, he understood, was thought by those who patronized it to be the only one that was consistent with true liberty in a free constitution, where every one ought to be governed by those laws only to which all have actually given their consent, either in person, or by their representative. For himself, he utterly rejected and condemned this mode, which it was impossible for him to adopt without libelling those renowned forefathers who had framed the constitution in the fulness of their wisdom,

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and fashioned it for the government of freemen, not of slaves. If this doctrine should obtain, nearly one half of the people must in fact be slaves; for it was absolutely impossible that this idea of giving to every man a right of voting, however finely it might appear in theory, could ever be reduced to practice. But, though it were even practicable, still one half of the nation would be slaves; for all those who vote for the unsuccessful candidates cannot, in the strictness of this doctrine, be said to be represented in parliament; and therefore they are governed by laws to which they give not their assent, either in person or by representatives; consequently, according to the ideas of the friends to this expedient, all those who vote for unsuccessful candidates must be slaves; nay, it was oftentimes still harder with those who are members of parliament, who are made slaves also, and are governed by laws to which they not only have not given their consent, but against which they have actually voted.

For his part, his idea of representation was this, that the members once chosen, and returned to parliament, were, in effect, the representatives of the people at large, as well of those who did not vote at all, or who, having voted, gave their votes against them, as of those by whose suffrages they were actually seated in the House. This being therefore his principle he could not consent to an innovation founded on doctrines subversive of liberty, which in reality went so far as to say, that this House of Commons was not, and that no House of Commons ever had been, a true and constitutional representation of the people; for no House of Commons had yet been elected by all the men in the kingdom. The country had long prospered, and had even attained the summit of glory, though this doctrine had never been embraced; and he hoped that no one would ever attempt to introduce it into the laws of England, or treat it in any other light than as a mere speculative proposition, that may be good in theory, but which it would be absurd and chimerical to endeavour to reduce to practice.

The second expedient he had heard of, was to abolish the franchise which several boroughs now enjoy, of returning members to serve in parliament. These places were known by the favourite—popular appellation of rotten boroughs. He confessed that there was something very plausible in this idea; but still he was not ready to adopt it; he held those boroughs in the light of deformities, which in some degree disfigured the fabric of the constitution, but which he feared could not be removed without endangering the whole pile. It was true that the representation of the people could not be perfect, nay, it could not be good, unless the interests of the representatives and the represented were the same; the moment they became different, from that moment the liberty of the people was in danger; because those who ought to be the guardians of it might find their account in circumscribing it within narrower limits than the constitution marked out, or in carrying through measures, which might in the end effectually destroy it. It must be admitted, from a variety of circumstances, which it was unnecessary for him at present to explain, that though the members returned by boroughs might be for the present the brightest patterns of patriotism and liberty, still there was no doubt but that borough members, considered in the abstract, were more liable to the operation of that influence, which every good man wished to see destroyed in that House, than those members who were returned by the counties; and therefore, though he was afraid to cut up the roots of this influence by disfranchising the boroughs, because he was afraid of doing more harm than good by using a remedy that might be thought worse than the disease, still he thought it his duty to counteract, if possible, that influence, the instruments of which he was afraid to remove. The boroughs ought to be considered not only as places of franchise, but also as places where the franchise was in some measure connected with property by burgage tenure; and therefore, as he was unwilling to dissolve the boroughs, he would endeavour to defeat the effect of undue influence in them, by introducing and establishing a counter-balance, that should keep it down and prevent it from ruining the country.

This brought him naturally to the third expedient, that he had often heard mentioned; which was to add a certain number of members to the House, who should be returned by the counties and the metropolis. It was unnecessary for him to say, that the county members, in general, were almost necessarily taken from that class and description of gentlemen the least liable to the seduction of corrupt influence, the most deeply interested in the liberty and



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prosperity of the country, and, consequently, the most likely to pursue such measures, as appeared to them the most salutary to their country: in the hands of such men, the liberties of their constituents would be safe, because the interests of such representatives, and the represented, must necessarily be the same. This expedient appeared to him the most fit to be adopted, because it was the least objectionable; it had the merit of promising an effectual counterbalance to the weight of the boroughs, without being an innovation in the form of the constitution. He would not then say what number of members ought to be added to the counties; he would leave that to be inserted in a bill, which, if the resolutions he meant to propose should pass, he intended to move for leave to bring in; he, however, would say, that, in his opinion, the number ought not to be under one hundred. It was true, he thought the House would then be more numerous than he could wish; but still it were better it should be so, than that the liberty of the country should be exposed to destruction, from the baleful influence of the crown in the boroughs. He was not, however, without an expedient, by degrees, to reduce the number of members, even after the addition, down to nearly the present number: his expedient was this: that whenever it should be proved before the tribunal, which happily was now established by law, to try the merits of contested elections, that the majority of any borough had been bribed and corrupted, the borough should then lose the privilege of sending members of parliament; the corrupt majority should be disfranchised, and the honest minority be permitted to vote at elections for knights of the shire. By this expedient, he was sure the boroughs would be preserved free from corruption; or else they must be abolished gradually, and the number of members of that House be reduced to its present standard. This disfranchising of boroughs would be the work of time; the necessity of disfranchising any one, whenever that necessity should appear, would sanctify the measure; it would appear to be, what, in fact, it would then be, an act of justice, not of whim, party, or caprice; as it would be founded not on surmise, but on the actual proof of guilt.

After amplifying upon this for some time, and shewing that it was equally founded in policy and in justice, he urgently pressed the necessity of something being done in compliance with the petitions that had been presented, complaining of the present state of the representation; and took abundant pains to caution the House against adopting any extravagant plans of reform that might be suggested by enthusiastic speculatists on the one hand, or obstinately refusing to take any step whatever in compliance with the petitions, under a childish dislike, and dread of innovation, on the other. After urging, very elaborately, an infinite variety of arguments, Mr. Pitt said, his first resolution was what, he conceived, every individual member would feel the force, and be ready to come into, without a moment's hesitation: of his second, he entertained hopes pretty nearly as sanguine, convinced as he was of its propriety and justice; and with regard to his third, though it might possibly meet with considerable opposition, he was extremely anxious to obtain it the sanction of the House. He then read his three Resolutions, which, in substance, were as follow: 1. "That it was the opinion of the House, that the most effectual and practicable measures ought to be taken for the better prevention both of bribery and expense in the election of members to serve in parliament. 2. That, for the future, when the majority of voters for any borough should be convicted of gross and notorious corruption, before a select committee of that House, appointed to try the merits of any election, such borough should be disfranchised, and the minority of voters, not so convicted, should be entitled to vote for the county in which such borough should be situated. 3. That an addition of knights of the shire, and of representatives of the metropolis, should be added to the state of the representation."

Mr. Pitt said, if he should be so happy as to succeed in carrying these resolutions, his intention was to bring in a bill upon their respective principles. When that bill was under consideration, it would then be the proper time for discussing and deciding on the number of knights of the shire to be added, and for making all such other regulations and restrictions as to the wisdom of the House might appear necessary. He, therefore, should not hold any gentleman, who chose to vote for his Resolutions, as containing general propositions, to be bound and pledged, either to support the bill he intended to bring in, provided the House agreed to



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his present motion, or to any clauses it might be fraught with, but to be wholly at liberty, and as much unrestrained, in that respect, as if he had not voted in support of the Resolutions. Before he sat down, he again earnestly pressed the House, either to adopt his propositions, or to suggest some other plan equally calculated to remedy the grievance.

The first resolution being put,

Mr. *Duncombe* seconded the motion. He approved of the proposition as far as it went, because it coincided with the ideas of his constituents, but he declared he wished it had gone farther. He had hoped the right hon. gentleman would have proposed to abolish the rotten boroughs, and to have rendered the representation of the whole kingdom more equal.

Mr. *Powys* said, that when he compared his poor abilities with the transcendant powers of the right hon. gentleman who moved the resolutions, and recollected what an obscure individual he was, his doubts arose and his apprehensions increased. The beautiful theory, the elegant speculation, and the bright oratory of the right hon. gentleman, were a phalanx dreadful to combat; yet he had his doubts, he had his objections, and he had an opinion to give. He entered into a detail of the motives that influenced him in the vote that he gave on the same subject last year. The principal objection that he felt to the measure proposed this year, which he was ready to say was the least objectionable of all the expedients he had heard mentioned, was, that before the remedy should be applied, it would be necessary to prove two things; one, that the evil to which gentlemen wished to apply it, really existed; the other, that the remedy was adequate to the removal of the evil. Now, as to the existence of the evil, which could justify such an innovation in the constitution as was intended, how could it be proved? And, if proved, would the people be satisfied with the remedy proposed? The hon. member who seconded the motion, said that it met the idea of his constituents; but of this he had reason to doubt very strongly, if he could judge from the resolutions of the York Association, then in his hand; where he found four things must be done before the freeholders of the county of York would be satisfied; one was, the rotten boroughs should be abolished; another, that a certain number of knights should be added to the different counties; the third, that the Septennial Act should be repealed; and the fourth, that the right of election should be enlarged, and extended to others, besides those who now enjoy it. Hence it was not unreasonable for him to doubt that the present expedient, if even adopted by the House, would satisfy that county. If the evil complained of was proved really to exist, he was afraid that this was an improper time to debate about the remedy: this was not the most proper moment for cool deliberation; a spirit of speculation had gone forth, and had given birth to various systems of reformation; and each was supported with warmth and with zeal; therefore, until it was known which of them was most agreeable to the people at large, he thought it would not be proper to agitate the business in parliament. Missionaries of no inconsiderable rank, had ventured to spread very strange doctrines, which, because they were plausible, and directed to the passions of men, had gained many proselytes, who would not be content with any thing less than having the right of election extended to all the men in England. The expedient proposed by the right hon. gentleman would not satisfy them: on the other hand, he could prove, from the respectable authority of the quintuple alliance, and constitutional society, that this measure alone would not be sufficient to remove the evil complained of. To the sense of the people, whenever he could discover it, he would bow as low as any man; but still without sacrificing his own opinion, if he thought the people looked for something unreasonable, or what should appear to him more likely to be prejudicial than advantageous to them. The matter was not improperly timed, and deserved a candid hearing. First, it was requisite to enquire what occasioned its being brought before the House. Was it from the solicitations, the remonstrances, or the complaints of the petitions? No. They were not mentioned by the right hon. gentleman as the ground-work of his motions; and yet the people, or rather the grievances of the people, were that which was held out to the public, as the idea under which this scheme of reformation was hatched. The petitions were the documents; but the documents lay neglected under the table. He believed, however, that this visionary plan of reform was well and properly supported; for it was certain that missionaries

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of no uncommon rank had taken particular pains to animate the passions and inflame the minds of the people. He thought it surprising that he had not heard the petitions read and compared, so as to ascertain what it was that the subscribers solicited; and it was equally strange to his comprehension, that the signatures were not counted, so as to make it known how they stood in point of comparison with the great body of representatives throughout the kingdom. He had mentioned the missionaries as an active body in this business of reform; and to those he should add a noble and respectable character, of high rank and great talents, who was a master-mover, and one of the main pillars of this baseless fabric of equal representation; one who overlooked the narrow bounds of practice, and dealt in the more wide and ample field of theory. The hon. gentleman then, in the same vein of irony, read a letter from the duke of Richmond to the York Committee, on which he remarked, as well as on some resolutions of the quintuple alliance, in a stile of sarcastic irony that set the House in a roar. He said the county of York was a great county; it had four distinct heads, and in consequence was entitled to a quadruple degree of respect. An increase of its rights would strengthen its aristocracy, and therefore it became a desirable object. No wonder, then, that York was anxious for the total destruction of the boroughs, as that destruction would add weight to the counties. But there might be reasons, reasons which did not so forcibly strike him as they probably did other persons. Manchester, Birmingham, and Sheffield, however, he was determined to hear, and to pay particular attention to. They were great trading towns, and their petitions ought not to be slightly passed over, in the usual manner of reading the title and the prayer. He said he must have the whole of what they contained explicitly and distinctly made known to the House, and for that purpose desired the clerk to read them. The clerk turned over and over again; but no such petitions being found, he told Mr. Powys, that neither Manchester, Birmingham, nor Sheffield were in the list. Not in the list! said Mr. Powys—good God, what a misfortune! The numerous inhabitants of Manchester, Birmingham, and Sheffield, to neglect this important business—to feel themselves outcasts from the constitution! What could they mean? Did they not feel a decay of their trade, a decline of their manufactories? How could they employ their leisure hours when this great spirit of parliamentary reform was in agitation, and neglect their duty to themselves, and what they owed to the only means of restoring them to trade, wealth and happiness! The freeholders of the county of the city of London were not, however, so negligent of their interest. He begged their petition might be read: it was read accordingly, stating their grievances in not being represented. This, Mr. Powys said, was a sad case indeed; yet he was glad to find that there was something like a selfish feeling in those who remained within Temple-bar, and that the city was not yet deserted. Indeed, of late the representation of opulent freeholders, was outside Temple-bar, as well as within, yet he was happy to find that they loved a multiplicity of voters so affectionately as to pray for a triple power of suffrage—liverymen, freeholders, and citizens of Westminster. The petition from the inhabitants of the latter place did not in his mind carry so much weight as that of other cities and counties. They had no cause of complaint; for the great and powerful abilities of their representatives made them full and ample amends for the defect in their right of election.—It had been mentioned how happy, how virtuous, how chaste we were once in our representation, and these halcyon days had been dwelt on with particular emphasis, and decorated with all the flowers of oratory. But, as his memory failed him at times, he should be happy to have it reminded to him in what reign that uncorrupted and virtuous representation was, and at what period of history that perfect equalization existed. A right annexed to property was a serious matter of consideration; before that right was altered, or that property invaded, an enquiry into taxation seemed requisite before any thing conclusive on this great business ought to be decided. He considered the political and moral world in the same points of view; and that in each, men were free agents, and only accountable to those from whom they derived their existence. He did not, he said, recollect any augmentation of members preceding that of Charles 1, nor could he think the disease of the country so mortal as some of her speculative physicians pronounced her to be. Indeed, if what had been said of her infirmities and her state of decline for so many years past was true, she

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must have had one of the strongest constitutions in the world, so long to have preserved herself from destruction. Parliament, as it hitherto was and still continued, had brought about the revolution, and he was so satisfied with that work, he would not wish to see it new modelled. New modelling put him in mind of a person with a lame leg, walking the street, and accosted by another person who purposed to cure him, if he would permit him to apply a remedy. The lame man answered, that he wanted no cure—his defect was natural; yet it did not prevent him from performing his duty as a citizen, church-warden, a clergyman, or a militia officer. He used it for forty years in its state as it appeared, and found it answer all his purposes. As to the petitioners, he looked upon those who read and understood what they signed, to be tainted with a spirit of speculation, and to have mistaken the constitution of their country. The jealousies in representation were ill founded he was certain; and new modelling the great fabric of our liberties was a dangerous trial. He said he was as independent as any man, loved his country dearly, and would with his life and fortune support it. But as all reforms, which touched a part of the constitution that had stood the test of time, were to him highly improper; so he should give his negative to the present resolution; but he should do it in that manner least offensive to the great character which introduced them. Therefore he should move the order of the day. There was one observation more he wished to make. Disfranchising boroughs, because the greater part was corrupt, appeared to him a punishment on the innocent as well as a chastisement to the guilty, and therefore did not meet his concurrence. The unoffending minority, according to British justice, ought not to be included with the culpable majority.

Mr. *Thomas Pitt* said, that the House having indulged him upon a former occasion with an opportunity of delivering his sentiments at large upon the subject of altering the state of the representation, he did not wish to have troubled them again, and should have gladly contented himself with a silent vote, if the resolutions now proposed by his worthy friend, were not extremely different from the proposition which he had felt himself at that time, under the necessity of opposing. That his hon. friend had truly stated that the principal objection that had been urged to what he then proposed, the going into a committee to examine into the state of the representation, was that no specific remedy was then submitted to the House; and that at a time when wild and impracticable ideas of reform, and visionary speculations of imagined rights were floating on the public, such a committee would tend to alarm the minds of sober men, to inflame the madness of theorists, and to hold out expectations that neither could, nor ought, nor were intended to be satisfied. That he was far from having attributed such notions to the mover, who was too wise to entertain them, and who had at the time disclaimed them; but that the committee might not have consisted of men, all of whom might have been influenced by the same prudence, wisdom, and moderation; and that it therefore did certainly appear to him and many others as a proposition by which the constitution of one House of Parliament was to be submitted in a great degree to a committee, to be new modelled at their discretion; that he had, therefore, found himself obliged to object to the mode, and the more especially at the moment that it was proposed. That he had, however, by no means declared himself an enemy to all reform or alteration that might be proposed to meliorate the representation upon safe, moderate, and constitutional principles; that he had, therefore, called for specific propositions, nay, that he had actually alluded to one specific proposition, namely, lord Chatham's, which, as far as he then stood informed, seemed liable to none of the objections he had stated, and would, he believed, be entitled to his hearty concurrence.* That the plan of reform, contained in the resolution now under consideration, held forth specific remedies upon practical, not speculative grounds; that they involved no new principles, rescinded no rights arbitrarily, and established no precedents dangerous in their consequences to the frame of our constitution. That the county members had always appeared to him the most respectable part of the representation; and that he could not but acknowledge, that if there had been anciently a larger number of knights of the shire in proportion to the burgesses, he should have conceived the mass would have been the better for it. That it was his belief that the representation would at

* See Vol. 17, p. 223.

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this time be amended by some augmentation of the county members; nor did he foresee any material inconvenience likely to arise from it, if confined within certain bounds; yet that although this was his opinion, and that such an alteration could scarcely be termed an innovation, as it introduced no new principle, and the members of knights of the shire as well as of the burgesses had actually varied at different times, in the history of Parliament; nevertheless, it was certainly in the present state of things an alteration, and as such was an experiment, and should therefore be applied with caution in a degree, and not in the extreme. That government was so nice and complicated a system, where one spring was perpetually operating as a check upon another, that he confessed, that when he presumed to touch its mechanism, he trembled, lest he should produce the opposite of his intention; that he must, therefore, think that so large an augmentation of county members as had been suggested by his right hon. friend, with a suitable addition to the metropolis, as well as to Scotland, who were entitled to that proportion established by the Union, besides that it involved the principle of apportionment, which he never could admit, would exceed the limit that prudence and caution would require. That so large an increase, added to the present total of the House of Commons, would render that assembly too bulky and unwieldy for public business; but if that objection could be obviated, who would answer for the effect that so great an alteration might produce upon their deliberations? That however plausible and specious the expectations might be, from such an increase of independent influence to the cause of freedom, they ought not to forget the state of facts almost within their own memory; when the liberties and probably the religion of the country was rescued against the influence of the county members, by that part of the representation which was now reprobated, as the rotten part of the constitution. That he would therefore upon no account recommend it to the House, to send that resolution of his hon. friend into a committee, till the number was restrained; and that when that resolution should come before them, if the order of the day was negatived, he should himself, if nobody else did it, take the liberty to offer an amendment to it, by inserting the words "an augmentation of one member to each county in England and Wales;" and that he was determined to take the sense of the House upon that amendment. That it was true that the temper of the times was a very great additional ground to the opposition which he gave to the former motion; and that he certainly could have wished, that whatever alterations were to take place could have been brought on at a time, when men's minds were less heated by speculative opinions; that, however, he could not but congratulate that House and the country in general, that these dangerous doctrines were disavowed by a person of the weight of the right hon. mover of these resolutions, as well in what he had so ably stated in his opening, as in the propositions themselves; which, if adopted by the House, would stand as the strongest protest against these wild speculations. That an hon. friend of his (Mr. Powys) had read such extracts from some of these incendiaries, as could not fail to make known the tendency of their tenets; that he had never thought, with all the industry that had been used, that such opinions had extended very far in the body of the people; and that he was convinced, that even by the interval of a few months they had already visibly subsided amongst many of the most zealous. That many doctrines which are seized at first with enthusiasm, give way to cool reflection and investigation; and that he really believed the people of England at large, did not at that moment call for any alteration whatsoever; at the same time it could not be denied, that there was a spirit abroad of discontent and innovation, which deserved to be taken into consideration upon the present question; that if it were confined only to a few visionaries of little consequence, it might not be so important; but, that when a person high in office, of the first talents in the country, and who, though his modesty might decline the compliment was lately looked up to as the only minister of the country, had so solemnly pledged himself to his constituents, as desirous to throw all possible weight into the scale of the people, he thought such a spirit deserved a very serious attention. That for his part, he was bred up in a veneration for the principles of a well-balanced, limited, and mitigated monarchy which he had always thought to be the principle of the British constitution; and that as on the one hand he should dread a minister, who should dare to own an

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intention of throwing all possible power into the scale of the crown, so he should carefully separate himself from one who avowed his intentions of throwing all power into the scale of the people. That he well knew that the external forms of a government might remain, and yet the virtue and essence of that government might be totally changed either from casual or permanent causes. That for example, though the forms of parliament might remain among us, yet if an artful minister should deceive the ear and abuse the confidence of the prince upon the throne, and find means, through the factions and corruptions, to strengthen his authority against the sense of all mankind, and the experience of the calamities which his mis-government might draw year after year upon the country, if such a bad minister could maintain his power, in defiance of the independent part of parliament, and of the nation, he should not hesitate to pronounce that such a government whilst it lasted was so far forth an absolute monarchy; perhaps the more absolute as wearing the mask of liberty.

If, on the other hand, in such a constitution as ours, the force of cabal and faction could, at any time, sieze upon the executive power against the sense of the prince and of the people; if the titular monarch could be so reduced, as to have no choice in the appointment of his ministers; no voice as to the measures they were to pursue; no free will as to granting or withholding the graces and favours of the crown; in short, that there should remain nothing to him but the painful pre-eminence of suffering daily insults upon the throne, he should not scruple to call such a government a republic, and a republic of the worst sort. That if the causes of such extremes were temporary, the mischiefs would be temporary also; they were no more than the vibrations of a pendulum from side to side, which would soon settle in its centre of gravity, when it was no longer acted upon by the transient circumstances with which it had been effected; but the constitution once altered, the cause might then become permanent, and if such evils flowed from permanent causes, we should then, indeed, become hopeless of a remedy, unless by other revolutions, which might perpetually change and vary the nature and essence of our government. That upon the whole, if any one should ask him whether there were any new evils which induced a necessity of any change, he was ready to acknowledge that he saw no such necessity. If, however, he was to give his opinion honestly and sincerely, whether the addition of one knight of the shire to each county would be to the advantage or detriment of the representation, he should not hesitate to declare it as his opinion, that the representation would be benefited by it. That, however, it was a matter of opinion, it was in the nature of an experiment upon a delicate, though a healthy patient; that he should be sorry therefore to see the remedy administered in too strong a dose. Experience, which was better than all the theory in the world, had proved to us, that though we might probably be the better for such an augmentation, we could certainly exist to every good purpose without it. That he could not, at the same time, that he approved of such an experiment even in the present moment, deny the weight of such arguments as were founded upon the unreasonable spirit of innovation, which certainly his hon. friend could not suppose it was in his power to satisfy by such concessions as these, or indeed by any practicable reform whatever. The clamour would not be less appeased by it among those who were the loudest in their calls for alterations; he wished therefore sincerely, that some such plan had already taken place in times of more calm and sober judgment. However, that it should be duly weighed on the other side, whether the dignity and wisdom of parliament would not be best consulted at such a time, by yielding as far as it was fit for them to yield, and by withstanding afterwards what it was their duty to withstand; that there was every possible difference between firmness and obstinacy; that the one was grounded in reason and the fitness of things; the other in passion and prejudice. That for his part, if the proposition was in itself subversive of the constitution, he should resist it, though the table were loaded with petitions; if it were reasonable and safe, he should adopt though there were not a single petition to support it. That he could not himself but think, that so prudent and moderate a reform would tend greatly to increase the confidence of good men in their representatives, and to discourage, by a sort of protest, that spirit of innovation, which had given so just an alarm and apprehension. That he knew

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his worthy friend too well, to think he had pledged himself upon light grounds, when he asserted, that he had reason to believe, that if the resolutions he proposed were to take effect they would give satisfaction to considerable numbers of those who were the most anxious for reformation; and he therefore could not but flatter himself, that such a measure would be well received by the public, and produce the most salutary effects.

Mr. Pitt then said, that having now delivered his sentiments in favour of this measure of reform, with the same integrity with which he had opposed that which his worthy and hon. friend had submitted formerly to the House, he was well aware of the interpretation that would be put upon his conduct, not, he trusted, by those who heard him, for he hoped he was better known in that House, but by the natural misrepresentation of party without doors: it would be said he was desirous of obtaining some little popularity, by appearing to espouse a plan of reform, whilst he took especial care it should be such as should effectually secure to him the only interest, which, as an individual, was supposed to bias his opinion. That he knew how to despise calumny; but that fair fame was dear to every man, and not less so to him than to any man who heard him. That there was but one pledge that it was possible for him to give of his sincerity, and of the disinterestedness of his opinion; that it remained for him to throw himself upon the House, to implore them to feel for him, and to take him out of so painful a predicament; that whilst he stood forth in defence of the chartered and prescriptive rights of others, which never could be violated without the total subversion of the constitution—whilst he boldly professed to think the burgage tenure in a particular manner the fortresses against the influence of ministers; he did most earnestly entreat, that he might be permitted to surrender into their hands the most precious interests he possessed, as a voluntary sacrifice in confirmation of such a plan as he had recommended to them, and as a victim to be offered up at the shrine of the constitution. That the precedent could affect no one but himself, *volenti non fit injuria*, that it was of little consequence whether he, or his posterity should ever have a seat in that House, provided the constitution were confirmed and preserved inviolate to future generations. He added, in case such a reform were to take place, and that parliament in consequence should accept of the offer he then made them as the seal of such reformation, he should presume so far as to wish, that those two members might be transferred to the proprietors of the Bank of England.

Sir *George Savile* supported the motion. He particularly replied to what had been said about the petitions not asking for any specific remedy. He said, the petitioners suffered and felt, as was evident by their complaining. An able doctor never asked his patient what physic he should administer to him, but what his complaint was, and knowing that, he prescribed accordingly. So in this case, the people were the patients, and that House were the physicians; it lay with them therefore to provide and apply the proper physic. He was proceeding to speak in favour of the motion, when finding himself too weak to speak with that animation that he wished to express, he sat down, to the great mortification of the House, who were distressed to see so good a man in so infirm a state of health.

Mr. *Byng* strongly contended for the necessity of a reform in the representation, and therefore should acquiesce in the motion. The proportion of electors, in comparison to the inhabitants, demanded a restoration of our ancient rights in the strongest terms. Innovations had been made, and it was the business of parliament to bring back the constitution to its original form. There were two instances of additional representatives in the county of Durham and Chester, which, in his opinion, removed all objection of the deficiency of a precedent. He begged to remind the House that he had presented a petition from the Tower Hamlets, which petition was as strong a proof as could be adduced in favour of the resolutions. The eastern part of London, called the Tower Hamlets, paid 34,000*l.* land tax, and they were unrepresented in parliament. The county of Cornwall paid 20,000*l.* less, and yet they were represented by 42 members. One side of Oxford-street, he said, had a right to vote, the other had not. He mentioned it as a hard case, that those who held tenures for 99 years were excluded from giving votes. With regard to the story of the bad leg, told by Mr. Powyss, Mr. Byng said, he took the fact to be otherwise: the leg was originally a good one, but by abuse and ill habits, it became diseased

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and contracted; an able physician could cure it, and set it to rights again; in the light of an apt remedy, he regarded his his hon. friend's proposition, and therefore he should vote for it, because he was happy to get any thing on this important subject; but the remedy did not go so far as it ought.

Lord *Mulgrave* spoke against the motion. He said, that as every precaution that could be taken to prevent corruption and undue influence had been already taken, the measure now suggested, seemed to him totally useless. Men must reform human nature itself, before they indulged the visionary fancies of framing a perfect constitution, a constitution entirely free from fault. The people who had sinister views in voting for two members of parliament, would now grow honest on a sudden, on finding that they had three to vote for! With respect to fears that gentlemen seemed to feel for the resentment of the petitioners, if their petitions should be totally rejected, he could only say, that to give way to imaginary grievances would be but one step to confirm the evil intended only to be palliated. To temporize in this case, would be to run into the very danger meant to be avoided. As an independent member of parliament, he must reprobate such compromising. Give them but a little, say gentlemen, and they will be less dissatisfied at not obtaining the whole. No! if it was really thought that even that little would not be beneficial, that little ought to be refused. The representatives of the people were not sent by parliament to humour their prejudices; they were sent to guard their real interests, and provide for their welfare; neither the one nor the other of these great objects could be attained by the present application, and he therefore gave it his negative.

Lord *North* said, that he had given the greatest attention to every thing that had fallen from the gentlemen who were friends to the motion, and particularly to the apprehensions which the most sanguine of its favourers had entertained, on entering upon the very nice operation, to which the resolutions were preparatory. In the whole course of his parliamentary engagements he had never listened with so much care to any speech that had been made by any member as he had to the one made by the right honourable mover, and he must do that gentleman the justice to say, that he had never in his life been better paid for his attention. The candour, the moderation, the ingenuity, and eloquence displayed by that gentleman were such, as did honour to the illustrious body of which he formed so very distinguished a portion. The gentleman had prefaced his motion with expressing the dread he felt in touching so venerable a subject as the constitution, though for the express purpose of amending it. That expression was the expression of sound sense. The attempt was of the nicest and most delicate nature that the mind of man could possibly conceive. It was to tamper with that fabric which for ages had stood the boast of Britons, and the admiration and envy of all the world besides. And, on what ground? Ought not an Englishman, who was blessed with such a pre-eminent form of government, to pause a moment, and to ask himself, ere he ventured to innovate upon such a form, on what grounds he was going to proceed in so awful an undertaking? And when he had asked himself that, and reflected on what he was about to do, would any man in his senses say that ought but frenzy could excuse such a person for laying violent hands upon the constitution, with no other foundation for his conduct, than the mere fancy of its being disordered, independent of any solid evidence of distemper?

Had the right hon. mover laid down any proof of the disorder intended to be remedied? He had not. Neither had any of those who supported it. Much declamation, indeed, had been made use of both by him and them, grounded on evils which no one of them could deplore more than he did. But these evils, these misfortunes, these calamities, were as little imputable to any defect in the constitution, as the earthquake of Lisbon had to do with the frame of the government of that country. Much had been said of the American war, and of the causes of it: as to himself, he was free to acknowledge at all times the hand which he had in that war. [Here there was a cry of 'hear him.'] By the cry 'hear him,' which I notice, said his lordship, from the other side of the house, gentlemen seem to think I am going to make some apology or confession: they were never more mistaken. Let guilt confess and apologize. I know none. But I will be ready at all times to vindicate my conduct whenever gentlemen shall think fit to attack it. An hon. member has said, that the constitution is unsound, rocking to and fro like a

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weathercock with every blast of wind, for want of something to keep it steady; he describes the crown, by virtue of its great influence, as keeping a wicked ministry in their offices, contrary to the sense of the people; and he describes this same powerful crown as itself incroached on, stripped of its influence, and led into captivity. How the hon. gentleman can reconcile two such jarring descriptions, it is not in my power to conceive; but this I know, that they may neither of them be true, though, very possibly, they may both of them be false. To remedy these supposed grievances, one hundred knights are demanded in addition to the county members: but I say, as I trust the majority will say, "No, not fifty." "What! not fifty?" "No, not one." I must see better grounds for the demand before I can venture my compliance with it.

But, then, as the favourers of this measure cannot adduce any solid reasons in support of their wishes, they are fruitful in imaginary ones: the American war, with all its horrors and misfortunes, are pathetically dressed up, and laid at the door of a worn-out, battered, and enfeebled constitution. The American war was, as they suggest, the war of the crown, contrary to the wishes of the people. I deny it. It was the war of parliament; there was not a step taken in it that had not the sanction of parliament. It was the war of the people; for it was undertaken for the express purpose of maintaining the just rights of parliament, or in other words, of the people of Great Britain, over the dependencies of the empire; for this reason it was popular at its commencement, and eagerly embraced by the people and parliament. Could the influence of the crown have procured such great majorities within the doors of that House, as went almost to produce unanimity? Or if the influence could have produced these majorities within doors, could it have produced the almost unanimous approbation bestowed without doors, which rendered the war the most popular of any that had been carried on for many years? Nor did it ever cease to be popular, until a series of the most unparalleled disasters and calamities caused the people, wearied out with almost uninterrupted ill-success and misfortune, to call out as loudly for peace as they had formerly done for war. Had the constitution been so disordered as the reformers would persuade us that it is, how comes it to pass that the voice of the people prevailed against the influence of the crown? This is a recent transaction. The policy of discontinuing the war I shall not now speak of, but that the House of Commons directed the measure no one can deny: of course the influence of the crown, if ever it had been prevalent, was then no more. Has it, since that period, broke beyond its bounds? Has it threatened any abuse of the constitution which could excite those jealousies and fears which gentlemen affect to imagine prevail among the people? Not a tittle of any such grounds do I perceive, either in the petitions which have been presented, or in the arguments that have been used in support of these petitions.

But what is the weight of the petitions themselves? Let us examine the matter. It was used as an argument for delaying the consideration of this business, when the right hon. gentleman brought it forward last year, that it were better not to take it too suddenly, but to give the people time to reflect on it,' and in the interim between that period and the next agitation of it their sense might be more clearly collected. What has been the result? After many months given to the people to ponder well upon their grievances, if any they really had, in respect to the insufficiency of representation, only 14 out of 82 counties have presented petitions on this account; and how are these petitions signed? By infinitely the minority of each county. The petition from the county of York, great and extensive as it is, contains only 9,000 names; the petition from the county of Suffolk is signed only by the sheriff: I am ready to admit, that this is a proof that the sheriff of Suffolk wishes for a reform; but I must be excused if I refuse to admit it as a proof, that the county is for the reform. There is a county from which a petition has been brought up, with which I am very well acquainted; it is the county of Somerset: the petition purports to be the petition of the county of Somerset; but it contains no more than 601 names; now, no man who knows the county of Somerset will say that such a petition conveys the sense of the county; it contains, no doubt, the sense of the freeholders who subscribe to it; but it could not for all that be called the sense of the county. Upon the whole, there are not more than 20,000 names to all the petitions; and from this comparatively small number we are to collect the sense of the people of



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England, and conclude that they are friends to the proposed reform! If the people of England are dissatisfied, why have not petitions been sent from Sheffield, Birmingham, Manchester, Leeds, and Halifax, and from other great towns that have no actual representatives? Why have not 82 petitions from as many different counties been presented? But it is not the mere paucity of the subscribers, though that alone ought to forbid you to attempt innovations to gratify their whims, at the expense of the more sensible feelings of the vast majority of the nation, who, by their silence on this occasion, shew their perfect contentment with the present form of government. It is not on this paucity alone that I would have the House to ground their rejection of the petitions. To that consideration I would add the manner in which these petitions have been obtained. They have been obtained, not from the public in general, but from the prejudiced part of that public. The assizes are held twice every year; the sessions four times. On all these occasions the inhabitants of each county may be said to meet in that most fair and most indiscriminate manner, in which it may in candour be supposed the real sense of the mass of the people might be best collected, if the real sense was intended to be collected. Was this the manner in which the petitions were founded? Was it in this fairest of all fair modes that the sense of the public was taken? No; county meetings, as they are called, were had; projectors, with set speeches, and ready-framed petitions, were there prepared to meet a number of prejudiced people, who came invited to sign that which was ready for their signature. The question was begged, or borrowed, or stolen hospitably, to accommodate the craving appetites of such craving guests. Those who liked neither the invitation nor the fare, very prudently remained at their own homes. And the question, in short, now is, to whom we are to pay respect? The few reformers, or the contented multitude? Can this be a serious question? [There was a great cry of 'hear him!'] I perceive it cannot.

I shall not dwell upon a matter which this voice of the House declares it to be unnecessary that I should dwell on. But I would entreat their indulgence while I say a word or two in answer to some insinuations that affect me personally; not that I would presume to take up the time of the House on any matter that concerned my mere self; but as I conceive it will afford a farther argument against the measure we are now pressed to adopt, I am the more encouraged to hope this favour.

Indeed, said his lordship, casting his eyes towards the clock, I fear I have already troubled the House too long, and that they feel the misfortune of my being unable to see the motions of yon monitor. [Here the whole House loudly requested him to proceed.] Well, Mr. Speaker, continued his lordship, the matter to which I allude, is the insinuation thrown out respecting bad ministers being continued in office, against the voice of the people, by the over-ruling influence of the crown. This is not a random stroke: from the quarter from whence it comes, the direction may be known: I will not affect to think it is not levelled at me; but *multum abludit imago;* I trust the candid and discerning part of the House will see that the attack is most unjust. I was not, when I was honoured with office, a minister of chance, or a creature of whom parliament had no experience. I was found among you when I was so honoured. I had been long known to you. In consequence, I obtained your support; when that support was withdrawn, I ceased to be a minister. I was the creature of parliament in my rise; when I fell I was its victim. I came among you without connection. It was here I was first known: you raised me up; you pulled me down. I have been the creature of your opinion and your power, and the history of my political life is one proof which will stand against and overturn a thousand wild assertions, that there is a corrupt influence in the crown which destroys the independence of this House. Does my history shew the undue influence of the crown? Or is it not, on the contrary, the strongest proof that can be given of the potent efficacy of the public voice? If, then, that voice is so powerful as to remove whatever may be displeasing to the opinions of the country, what need is there of this paraded reformation?

There is a Bill now printed for the use of the House, to remedy every grievance in point of expense and bribery at elections, to which the resolution at present moved for goes; and on that ground alone, I should think myself justified in negativing the motion; but when, to this consideration, is added the want of any proof of disorder in this glorious fabric, as

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the right hon. mover justly stiled our constitution; when a remedy is sought for a disease I know not what; when the puny voice of a few discontented people breaks in upon the tranquillity and reverend silence of the vast and satisfied multitude—when even the discontented themselves are at variance with respect to the nature of their grievances, and the modes of their redress—when, I say, all these things are considered, a doubt cannot remain for a moment on my mind, of the weakness of giving way to this froward humour, this spirit of projection; they but little know mankind, who imagine that a small indulgence will not induce a pressure for greater. A gentleman behind me says, "give the people 50 knights, and then make your stand." I oppose this idea—begin with innovation, and there is no knowing where you will stop—like the gravity of a weight in sinking, its velocity increases in proportion to its weight. The addition of 100, or even 50 county members, would give a decided superiority to the landed interest over the commercial; and it is the beauty of the constitution of the House of Commons, that like the general fabric of the British legislature, it provides for, and preserves the due balance, between the several great interests of the empire—the landed, the commercial, and the monied. But do not let us begin. *Principiis obsta.* Let us act like men. We are not the deputies, but the representatives of the people. We are not to refer to them before we determine. We stand here as they would stand; to use our own discretion, without seeking any other guidance under heaven. In a word, as no defect in the constitution has been proved, as we have heard nothing but declamation and surmise to warrant so awful and so very important a measure as an innovation on the form of that venerable palladium, which ages have sanctified down to us—let us again, let me conjure you, act like men, and like Britons, and reject—what to adopt, must inevitably lead to ruin. I have freely given you my thoughts—it remains that I perform my duty. The best way of getting rid of this destructive resolution, is certainly the motion for the order of the day; and that motion has most cordially my wishes.

Mr. *Beaufoy* addressed the House, for the first time, as follows: The noble lord who spoke last, apologized to the House for having trespassed upon its indulgence. If, Sir, a person of his extensive information and acknowledged abilities, thought it necessary to apologize for having expressed his sentiments on the subject of your present deliberations, how shall I, possessed of little information, unexperienced in the business of the House, and unacquainted with its forms, venture on this occasion to address you. I know not, Sir, that I shall be able to proceed; but if I should, it will not be owing to any confidence in myself, but to the reliance I have on the more than candour, on the generosity of the House. I perfectly agree, that the business on which we are assembled is of the most delicate nature; and that in deciding upon it, the utmost degree of caution will be essentially requisite. For, as on the one hand, to reject all reformation would be to treat with contempt the numerous petitions of the people; so, on the other, to adopt any expedient that is not deliberately weighed and maturely digested, would be to expose to unnecessary hazard the civil and political blessings we already enjoy.

The petitions on your table declare, that the present state of the representation of the people is partial and inadequate. The truth of the assertion cannot, I fear, be disputed; for it must be confessed, that the practice of the constitution is not consonant to its theory. The theory of the constitution acknowledges general rights; the practice of the constitution establishes only partial and local privileges. The theory of the constitution supposes a due connection between the people and their representatives; but in the practice of the constitution, that connection is notoriously deficient. To this want of an impartial and adequate representation, to this want of a due connection between the people and their trustees, not the petitioners alone, as the noble lord would have us believe, but the whole nation is persuaded the evils of these latter times may with truth be imputed. To these causes the people ascribe the commencement and the prosecution of a contest, in which loss was certain, advantage impossible. To these causes they ascribe the systematic extravagance with which, for a series of years, the expenditure of the public money has been conducted. To these causes they ascribe the exorbitant premiums that have been given on the public loans; and to these causes they likewise attribute the national debt having been rendered irredeemable, by fifty millions of money being added to that debt more than

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the nation has received. They know that in private life, any man who should borrow on the same terms as those on which the nation has borrowed, and for every sixty or sixty-five pounds that he receives, should give his bond for an hundred, must either borrow but little, or his circumstances, whatever be his income, must soon be desperate. The people have been told that no other method of borrowing is possible. They know the fact to be otherwise, and I fear they consider the assertion as an insult to their understandings. The people are persuaded, that the present state of the representation is radically defective; they are persuaded, that if a proper connection had subsisted between them and their representatives, those representatives never would have consented to that additional load of taxes that weighs down the utmost industry of the manufacturer; they never would have consented to those ruinous extremes of legal extortion which force from the merchant more than his gains, and swell the weekly list of the unfortunate; they never would have consented to impositions so grievous, that the country gentleman finds his tenants are beggars, and that his rental is little else than a register of hopeless debts.

I do not tell the noble lord, that these opinions of the people are altogether just; but I assert that they are their opinions, and I know not how we shall disprove them. The noble lord has alledged, that the plan proposed is not consonant to the petitions of the people. The petitions, Sir, propose a variety of plans; that of the right hon. gentleman is not precisely the same with any of them, but it coincides with the object of them all. That object is the establishing a sameness of interest between the representatives of the people and the people at large. To obtain this object, the right hon. gentleman proposes a large addition to that class of the people's representatives, of whom it cannot indeed be said, that they never will mistake the national interest, since, as being men, they must be fallible, but of whom, with truth it may be said, they can have no temptation to depart from that interest by design. He proposes that the balance of power in this House shall be intrusted to those who have nothing to gain by the despotism of the crown on the one hand, or by the licentiousness of the people on the other; and who must stand or fall with the constitution. An improvement which offers no violence to the rights of any description of men; and which, at the same time, is perfectly consonant to the genius of our government, and perfectly adequate to the removal of the evil of which the people complain, seems secure from objection; yet the noble lord has opposed it; he has opposed it as an innovation; for, in his opinion, all innovations are dangerous. All innovations, however, have not proved to be dangerous; for it would not be difficult to shew, that the peculiar advantages, civil and political, which the English at this hour enjoy, are not the immediate effects of the ancient British constitution, but of innovations on that constitution.

In ancient times, for instance, the towns and cities of the kingdom were built on the demesne lands of the king, or of some powerful baron, and were considered as private patrimony. To this circumstance it was owing that the lord, though a subject, had a right to confer upon his town the privileges of a borough, as in the case of the town of Saltash, which was thus created a borough by a subject in the reign of Henry 3. That the unchartered towns of the kingdom are not private property still, is surely no detriment to the kingdom, though it be an innovation. In ancient times the sovereigns of Britain were possessed of the privilege of increasing, at their pleasure, the number of boroughs sending representatives to parliament. It was a right which they exercised from the earliest times of representation; a right that was never contested or considered as questionable. To this privilege it was owing, that though in the reign of Henry 6, the number of the people's representatives did not exceed 300, yet before the conclusion of Charles 2's reign, they amounted to more than 500; a much greater alteration than that which is now proposed. The towns of Buckingham and Berwick, the towns and counties of Wales sent no representatives till the reign of Henry 8. The city of Westminster itself was not represented till the reign of Edward 6, nor the two universities till a much later period, the reign of James 1. The town of Newark was not entitled to this privilege till it received it from Charles 2. That a prerogative which gave to the sovereign the means of procuring the return of a majority of his favourites, has, by the act of union, been virtually abolished, is surely a change that cannot be too liberally praised; yet this change is clearly an innovation. In the reign of Edward 1, the sovereign fre-

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quently directed the principal manufacturing and commercial towns of the country to send representatives to a council of trade, that by their means he might be instructed in the trading interests of the kingdom. This council of trade was not the same with that assembly of the representatives of towns which granted supplies to the sovereign; for, in the first place, the objects of the two assemblies were distinct; and in the next, the towns which sent representatives to the council of trade were not always empowered to send representatives to parliament. At length, however, the representatives of the people in parliament took upon themselves the province of the council of trade, and from that time a grant of supplies was almost always accompanied by a petition on behalf of the interests of trade, or on behalf of those rights of property and freedom, by the maintenance of which the interests of trade are most effectually promoted. This was the commencement of the legislative power of the House of Commons; and though in many of the ancient statutes they are not so much as named, and in others are mentioned as petitioners merely, yet as their petitions were annexed to the Bills by which they granted supplies, they soon acquired legislative authority; so soon indeed, that before the conclusion of the reign of Edward 3, the House of Commons declared that they would not in future acknowledge any law to which they had not expressly given their assent.

Thus, Sir, it appears, and I appeal to our ancient statutes for the truth of what I say, that the existence of the House of Commons, as a distinct branch of the legislature, is an innovation in the British government. It is to be hoped that this innovation at least comes not within the scope of his lordship's general censure. If all innovations are dangerous, what shall we say to your office, Mr. Speaker? certainly one of the most important in the kingdom, but clearly an innovation; for, till the reign of Richard 2, it does not appear that any such office existed. Or what shall we say to that freedom of speech which is now considered, and very justly considered, as an essential privilege of parliament; for you know, Sir, that freedom of speech did not always characterize the proceedings of the House. In former times, did a member of parliament deliver an honest and free opinion, imprisonment in the Tower was often his reward. In the time of Elizabeth, the members of the privy council assumed the privilege of controlling the freedom of debate. "Sir, you must not speak upon that subject; the queen's Majesty will be angry, the privy council will be angry." This was the language of ministers in those days; that it cannot be their language at present, is surely not to be lamented, though it be an innovation. Sir, this is not the first time that the dangers of innovation have been proclaimed in England. When the followers of Wickliffe maintained the cause of reason against that of superstition, "no innovation," was the cry, and the fires of persecution blazed in different parts of the kingdom. At a later period, when the king was declared supreme head of the church, and the ecclesiastical power of the pope was transferred to him, the change was called a portentous innovation, that would inevitably lead to the destruction of the government, and the general misery of the people. On the same ground the reformation itself was opposed, and a change to which we are indebted for many of the most valuable improvements in the kingdom; a change to which we owe that freedom of thought, that boldness of action, which mark the character of the English, and have given to their scanty numbers a consequence that no other nation has surpassed, was reprobated at the time as a profligate dereliction of the system of our ancestors, as a pernicious and shocking innovation.

When I heard this maxim of no innovation delivered by the noble lord, my mind, overborne by the weight of his authority, refused for a moment to listen to her rising doubts. But when I recollect that the same maxim was formerly delivered by the ignorant, the interested, and the worthless; when I recollect that this was the favourite maxim of the servile advocates for arbitrary power whenever a regulation favourable to the rights of mankind was proposed; when I recollect, too, that this was the maxim which religious zeal inscribed upon her banners, when she summoned her votaries to deeds of blood, I find it impossible to acquiesce in a maxim so incompatible with all improvement, political, civil and religious. When the noble lord talked of the rashness of making the smallest change in the ancient British constitution; when he talked of the folly of disturbing the harmony and defacing the beauty of the venerable fabric, his expressions implied (for what else

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could they mean), that at some period of our history, the British constitution attained to such a degree of excellence as neither acquired nor admitted of any farther material improvement. Permit me then, to ask, at what particular period the British constitution approached thus near to perfection? Surely the noble lord does not mean to refer us to the Saxon times! We know, indeed, so little of those times, that it is scarcely possible to say what the Saxon constitution was; yet if we examine the imperfect records that are left us, we shall find that among the Saxons the authority of the first magistrate was not sufficient for the protection of his subjects or the security of his own life. One of their kings was murdered at his own table, publicly, by an outlawed robber. Another of their kings, such was the state of the laws amongst them, had not power sufficient to protect his own queen, though guiltless and unaccused, or to prevent her being dragged from his presence, exposed to the torture, and publicly murdered. A constitution which does not protect the weak, and restrain the injustice of the strong; which does not maintain the authority of the magistrate, and give effect to the laws, cannot be considered as so excellent as neither to require or admit of material improvement.

Is it then to the Norman constitution that the noble lord means to apply his character of a perfect government? That constitution, indeed, established aristocratical freedom, the freedom of the immediate tenants of the crown, and contained the principles of enlarged and general liberty; yet under that constitution so little protection was given to the civil rights of the people, that even in the estimation of the law itself, the life of a man and the life of a beast of chace were valued at an equal rate. I am persuaded the noble lord will say that it was not of the Norman government he meant to speak. But perhaps he may think that the perfect excellence he ascribed to our ancient constitution is true of that constitution as established by Magna Charta. If this was the noble lord's meaning, it follows that, in his opinion, all the changes which after that period were made in the constitution were either useless changes, or changes for the worse. And does the noble lord really think that the celebrated statute *De tallagio non concedendo*, of Edward 1, a statute which secures the inhabitants of towns from being taxed, as they hitherto had been by the king's prerogative alone, was a useless or pernicious innovation? Does he think that the statute of treasons passed in the reign of Edward 3, a statute by which the life of the subject is no longer left at the mercy of the judge, was a needless or mischievous precaution? Or does he think that the existence of the House of Commons, as a third branch of the legislature, was a useless change, if not a change for the worse.

Does he mean to reprobate, in the same way the abolition of the court of wards and liveries, that court of ancient oppression? Does he mean to reprobate the establishment of the freedom of the press, that best guard to the freedom of the subject? Does he mean to reprobate the statute of Habeas Corpus, that second Magna Charta, as it has been emphatically called, together with the Bill of Rights itself? The noble lord must either condemn all these changes in the constitution, or else admit that our ancient constitution was very far from being what he described it to be, a system of unimproveable excellence. But though it is impossible that any person acquainted with our history can assent to the noble lord's ideas, yet many perhaps may be disposed to agree with the hon. gentleman (Mr. Powys), who said, if I did not misunderstand him, that the English constitution, as established by the Revolution, possessed all the excellence of which it was capable, and that he does not consider as improvements any of the alterations which have since been made. Now, if the hon. member's position be true, if the British constitution, as established by the Revolution, was really perfect, it necessarily follows that all the changes which have been made in it since that period, are at best impertinent attempts to improve upon perfection. But who will venture to say, that the Act which excludes pensioners and a certain description of placemen, from this House, that the Act for establishing the independence of the judges, that Mr. Grenville's Act, that the Act for excluding officers of customs and excise from voting at elections, that the Act for reforming his Majesty's household—who will venture to say that these different Acts, all of which produced some change in the constitution, were at best impertinent attempts to improve upon perfection?

Sir, the fact undoubtedly is, that our

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constitution is less defective at present than it was at any former period; but it is equally a fact, that our constitution is still defective, and that it has not yet acquired the the perfection of which it is capable, and to which, for that reason, the people are entitled. Liberty was always the informing principle of the English constitution, and time and experience have given to that principle an extensive, but not yet a complete operation. No constitution can long remain unaltered, that is not adapted to the circumstances of the times, and the general disposition of the people; for, in proportion as the people improve in the knowledge of the means and the ends of government, improvements in the constitution will be demanded, and cannot long be refused. When the Stuarts ascended the throne, the circumstances of the times, and the disposition of the people, required improvements in the constitution. It was the misfortune of that family not to perceive what those circumstances, what that disposition had rendered essentially requisite; a farther improvement is now solicited by the people. The noble lord dissuades us from a compliance with their prayers; he avows himself an enemy to all improvements in the constitution. Very different from his were the sentiments of the greatest statesman this kingdom has, at any time, produced, of a statesman who was foremost in your affection, as well as your esteem, and whose memory you most revere. Let him, for a moment, be present to your thoughts, since he cannot be so in person; let him tell you that he was not unacquainted with the principles of the British constitution, nor does he think you will suspect him of an indifference to its interests; yet he advised the very improvement that is now proposed; he advised it as the only means of invigorating a constitution notoriously decayed; he advised it as the only security that can be obtained against the profligacy of the times, the corruption of the people, the ambition of the crown.

Mr. Secretary *Fox* rose, and remarked to the House, that he made no doubt there were some persons present who would attribute what he said to lukewarmness, and not to zeal; however, regardless of their censure, he would freely deliver his sentiments, and assure the House, that he most heartily concurred with the right hon. gentleman who made the motion, that the constitution required some reform; and so far from its being absurd to make any innovation on it, he was certain that the nature of our constitution required innovation and renovation; for the beauty of the constitution did not consist, as some people imagined, in theory, but in the practice. He knew it was the common and the popular opinion, that our constitution was beautiful in theory, but all corrupt in practice. Singular as his sentiment might be upon the subject, he made no scruple to avow, that he looked to the reverse as the true description of our constitution, and thought it admirable in practice, but imperfect and very faulty in theory. The theory was, in its nature, found, by experience, to be absurd in several parts; for, as it was composed of three estates, King, Lords, and Commons, it was absurd to think that one man should have an equal power to the whole multitude; therefore, in the practical part, that power was wisely curtailed, and not left in the breast of one man, but in a government consisting of several ministers. He regarded it as one of its chief excellencies, that it involved a renovating principle in itself, and by being capable of repeated improvement, admitted the possibility of its being, from time to time, carried to a degree of perfection, beyond which no human idea could go.

The right hon. Secretary said, much had been mentioned relative to the shortening the duration of parliaments, and some persons attributed all our calamities to the want of short parliaments. He had looked into history, and found, that when parliaments were more frequent, the nation was more brilliant and successful; he had also observed, that, for a period of many years since the passing of the Septennial Bill, the nation had been at the pinnacle of its glory, therefore he could infer nothing from that, nor did he, in fact, see that this was material either way. The noble lord, in talking of the American war, had said, it was popular in the beginning, that it had been begun agreeably to the wishes of the people, and carried on, by their consent, until it proved unsuccessful, when a stop was put to it. He differed with him; for although it had, undoubtedly, been begun by their wishes, the people were for putting an end to it much sooner than it was ended; and there he saw the defect of the House of Commons; it did not speak the wishes of the people quick enough. He begged leave to revert to the two hypothesis mentioned

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by Mr. T. Pitt, wherein he said, the despotism of the crown had continued a minister in power, against the wishes of the people; and the republicanism of the people had, in grasping for power, taken the crown captive, and robbed it of its prerogative. Certainly, in the course of two years, something like that had happened; but he denied that, in all the contentions he had held, and the systematic opposition, as it had been called, that he gave to the noble lord, that ever he struggled for power.

With respect to what the noble lord had said, that by adding more knights for the counties, the landed would overmatch the commercial interest; he could, by no means, see that to be the fact; for commerce now had spread itself so universally, that the landed and the commercial interests were inseparable, therefore he was not afraid of any harm in that quarter; nor did he fear much from the aristocracy that would be occasioned; for although the motion went to a resolution to add more members to the counties and capital, it by no means confined gentlemen from making any wise regulations in the Bill that would be brought in, if the motion was carried; and he should not, probably, be for adding them all to the counties and capital, but should be for giving some to the large towns of Birmingham, Manchester, &c. in order to make the representation more equal.

He next touched on the offer of Mr. T. Pitt to give up his borough of Old Sarum: it had a great sound, he said; but in all those fine flourishes which gentlemen took, the House should consider well the nature of the proposal. The hon. gentleman had made an offer that he knew could not be accepted, therefore the merit was not so great as it appeared. There were many persons who were against the motion, because it was an innovation; yet they were perfectly agreeable to innovations; they were not against what was almost a new doctrine, he meant an interposition of the other House with respect to money bills; there, merely for the spirit of opposition, persons attempted to meddle with what they were totally ignorant of, as was plain to be seen by their conduct. [Mr. Fox here alluded to what the earl of Shelburne had said of the right of the House of Lords to alter money bills.] There one noble lord argued about lottery tickets, in a manner that could not help being ridiculed; another noble lord had attempted to prove, that borrowing money lessened a debt; in fact, this must be the case, where persons officiously meddled with what did not concern them, and talk of things in a place where they had no right to talk of them.

The right hon. Secretary entered into a strong vindication of the Yorkshire, and other committees, from the sneer that had been cast on them by Mr. Powys, for the speculative points they had thrown out. He wished the House to recollect, that Sydney, Locke, and others, writing on the constitution, had speculated far beyond what was practicable; yet much good resulted from their speculations, and they were great helps to the practicable beauty of which we so much boasted. He would not run into a long history of a crooked leg, in which the hon. gentleman had conducted himself but lamely; but he would, in imitation of him, make a simile, and compare the constitution of the country to that of an individual; it was exactly the same; it was to be fed, it was to be nourished, it was to exist by nutriment, and would, undoubtedly, be liable to disorders. Suppose the patient had a fever, and was to call for water, the physician would not be bound to comply with his request, but would mix up something that would nourish, that would be moist, and that would quench the thirst, and not have the evil tendency that water would; so it was the duty of that House to administer for the relief of the constitution, not exactly as called for by the wild, extravagant doctrine of letting every man, who was not a fool or a madman, vote; but by taking some wise, salutary steps that would redress the grievances complained of. He entered, very fully, into the nature of the constitution, expressed himself a warm friend to a reform, saying, that mankind were made for themselves, not for others; and that it was the best government where the people had the greatest share in it. He could have wished that a committee had been appointed, similar to that moved for last year; as he did not think the present motion would go far enough; but as he was confident it would be an amendment, he should give it his hearty support.

Mr. *Burke* rose to speak, but many members rising to leave the House at the time, he declined speaking.

Mr. *Welbore Ellis* supported lord North, and declared that representation, as now insisted on, was a word unknown to our



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ancestors, who never either argued or wrote upon it with any view to the sort of construction that it had now obtained. He had set himself against all those loose and inconsistent ideas of reform, which had been propagated of late with so much zeal and ardour, because he knew that if we once began to tamper with and tinker the constitution, we should never have an end, nor be able to ascertain the extent of the evil consequences it might produce.

Sir *Charles Turner* was certainly for a reform; he was sure one was wanted, and he could have wished for a committee to have been appointed in preference. The noble lord was wrong, in saying, that neither Leeds, Wakefield, nor Halifax had petitioned; they had all signed in the county petition. He was against an aristocracy, though he said when a man was made a peer, he looked upon him as out of parliament, and of no use, only a kind of lumber. He paid many compliments to the abilities of Mr. Beaufoy, after which

Mr. *Dundas* said, that last year he was against going into a committee, because there was no specific motion made; now he was for the motion, because he thought it a good one; he always approved of the county members in particular; they were looked upon as the most honest and the least liable to be corrupted; and, therefore, he gave the motion his hearty assent. The granting so much to the wishes of the people, would be the best means of putting an end to the business entirely, and would certainly, in the popular phrase, give a fresh infusion of fine blood to the constitution of that House.

Captain *Luttrell* said, he rose to express his wish that the contents of the Yorkshire, Sussex, Chichester, and, in short, of all of those other petitions, which solicited a general reform in the representation of this country, might be severed from the rest, because he was sure they merited the most serious attention of the House, as they spoke the genuine voice of the people; but he was equally persuaded that those petitions which seemed most to be espoused by the right hon. mover, which he had blended with the others, that sought but for local advantages and partial reformation, militated directly against the interests and wishes of the people, and ought to be rejected; therefore he considered the motion as one of the most important that ever was agitated; and in the event of its success, he thought, would be attended with greater hazard to the constitutional existence of this country, than if all the powers of Europe were combined in arms against it, had dispossessed us of our foreign dominion, and reduced us to the degree of a petty state. Nay, were they to carry depredations into the very heart of this island, and render us tributary to some Catholic monarch, we should defend the constitution as it was now by law established, and guard against innovation from our natural enemies, to the last acre of our territory, and the last drop of our blood: then shall we be amused and persuaded to think, that because the plan originated amongst ourselves, and was carried by progressive degrees into execution, that it will prove less destructive and disgraceful in the end. He said, the noble tree of our glorious constitution, nursed with all the care, the industry, and wisdom of our ancestors, and which have flourished for many ages, was left to us in beauty sufficient to excite the envy and admiration of all the world. Our predecessors beheld it as a sensitive plant, which, to touch but a fibre of, would cause the whole to shrink. It was left for modern political artists to prune and to lop its most expanded branches; and now they would have us believe, that by cutting more suckers from the root, it will produce better shoots; but the experiments lately made, had served to prejudice rather than to improve the plant; and, much as he respected the abilities and ingenuity of its present principal manager, he doubted his skill being equal to the restoration of its lost vigour, supposing he professed the intention to attempt it.

Surely the partial remedy which was now intended to be applied to imperfections, (to judge of it from the right hon. mover's own avowal, as well as from the conduct and professions of many great men, and by the resolutions of various associations) might tend to demolish the constitution root and branch, by establishing a most dangerous aristocracy; for if we continue a work, which in his opinion was most impolitically and unjustly began last year, when we overpoized the weight in favour of the Lords and great Commoners, and should now add to it, by an increase of county, and an extension of borough franchise and representation, we should enable them to contend for power with the crown, or to obtain its favour, by sacrificing the most valuable rights of the people, and we may not then find it so easy to regain our lost liberty, as it has



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been to persuade his Majesty to relinquish much of his just prerogative. But he said the object of the people's pursuit was not to be attained or qualified by any partial or moderate reform. They claim the rights which they derive from the original institution of representation, and declare that no degrees, judgment, or acts of parliament, can impair or subvert them; but that we must recur to the first principles of the constitution as the only measure to effect our political salvation. Then, said he, let us see to what extent the reform which the commonality ask would go; and we read, that in ancient times, much the greatest part of the land was divided between the king, the military barons, and the great ecclesiastics, who, with the mesne lords and frank tenants, constituted the legislature, consisting on some occasions of more than three thousand persons, and they assembled of themselves regularly twice in the year; but as more general division of the lands took place, the tenants, *in capite*, became too numerous for all of them to assemble in person, and many of them being persons of mean birth and circumstances the barons refused, and disdained to associate with them, and therefore by degrees formed themselves into a distinct or upper chamber, constituting what has since been called the House of Lords. But it being (as Dr. Robertson observes) a fundamental principle in the feudal constitution, that no freeman could be governed or taxed, unless by his own consent; and as the numbers and circumstances rendered a personal attendance inconvenient to many, and impracticable to all, the mode was adopted of delegating a few as proxies for the rest; but all the great barons continued to appear in person, and were summoned as of old, by immediate writ from the crown, the deputies by writ to the sheriff of each county directing him to cause so many knights of the shire to be indifferently chosen *in pleno comitatu*, and returned to serve in parliament for such county; this he took to be the origin of county representation, which continues much the same in manner and in form to the present time.

The establishment of communities and corporations was either co-eval or soon followed; for as towns grew populous and wealthy, the inhabitants acquired personal freedom; and as they became subject to taxation or tallage, distinct from the counties, many of them were declared free boroughs, and representation immediately followed as of common right, for being emancipated from vassalage, they acquired by degrees all the rights of freemen of the realm, one of the most valuable of which was, the distinguished privilege of a share in the legislature, by having a voice by themselves or deputies, in the formation of all laws by which they were bound; and Edward the 1st inserted in his writ of summons, as a fixed maxim of the English constitution, that a law to bind all, must be assented to by all; for until the 8th of Edward the 4th, all corporations and boroughs possessed such a privilege, although many of them did not exercise it. The writs issued to the sheriffs directed them in general words to summon all the boroughs in their respective counties to elect members to parliament; when this was done, the sheriffs severally made their report with these words, 'nec sunt plures burgi intra ballivam meam.'

Mr. de Lolme observes, that although the feudal system broke in upon us like a flood, the tide no sooner began to subside, than the three-fold powers of the constitution arose, disclosing that region which was destined to be the seat of philosophy and civil liberty; the seeds of which, he says, were sown when the deputies of the whole nation were admitted into parliament. For until the 8th of Edward the 4th, the delegation to the legislature seems rather to have been incidental to freedom, than proceeding from grace and favour from the crown. We know that at county elections, no freeman resident within the county, was denied the right of voting for his delegate, until the 10th of Henry the 6th, when the act passed which restricts that franchise, to persons having freeholds of 40*s.* per annum. And certain it is, that the people by their proxies constituted an important collateral branch of the government more than 500 years ago, as appears by writs of election which are still extant; so that it should seem to a complete or perfect representation they were originally entitled, and therefore, if any parliamentary reform was to be made in the plenitude of justice and in the spirit of our ancient constitution, it ought to extend to an equal representation of the whole kingdom. In theory this was certainly desirable, but in practice he feared it would be found difficult, inexpedient, impolitic, and perhaps impracticable; if so then, he contended, and he

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thought he could show, that the present representation, with all its imperfections, was full as good, as any of the several proposed alterations would make it; and at least the advantage of possessing a franchise, better understood than would be the case, with any other representation for a century to come, was in favour of the present one. He thought the very agitating the question tended rather to damage than to repair the constitution; but as it was brought before them, he would offer his opinion on the subject, not borrowed from any particular authors, but which he had adopted from the result of much practice, of some reading, and a good deal of enquiry.

He said, that with respect to the introducing the democratical part of the legislature, whether the change of circumstance in the continual flux of human affairs rendered it prudent and necessary, whether from the good intention of establishing a more permanent common interest between the representative and his immediate constituent, or from what other cause it arose, there were various and discordant opinions about, nor was it material to the present purpose; but in the 8th of Edward 4th, the charter of Wenlock was granted, which is the first that contains an express clause for investing the burgesses of a particular town with such a privilege; and in Henry 6th, the town of Calais, in France, was directed to send a member to parliament, and one Thomas Foster was returned, and sat in the House of Commons for that place. But as trade and population increased, it was found necessary to modify and restrict the delegation from the boroughs to the great council of the nation. Edward 4th privileged Wenlock and Grantham; Henry 6th created Heytsbury, Hindon, Wooton-Basset, Stockbridge, Westbury, and Gatton; Henry 8th privileged Chester, Monmouth, and Wales, adding at once 31 members to the House of Commons; Edward 6th added Maidstone and St. Albans; thirteen more boroughs were added by queen Elizabeth; three more, and the Universities, by James the 1st; four in the time of Charles 1st: Newark by charter, and Durham, with knights to that county, by act of parliament, in the reign of Charles 2nd. But as these boroughs were established, many others went to decay, several petitioned to be relieved from sending members to parliament, alleging, that the expense of maintaining them, was too heavy, for in those times, each member received 4*s.* per day for his attendance, from his constituents; which is equal to 40*s.* a day now. It never was until lately supposed, that the affairs of this nation could be well conducted by any administration, unless they were enabled to procure a constant attendance to do the necessary business of parliament, and to make a reasonable compensation to those who devoted their time and abilities to the service of the state. The theory of a parliament, without placemen or dependents, is certainly good; but country gentlemen, bred in the school of luxury and ease, are not readily to be curtailed of their pleasures, and will not be deprived of them totally from November to July, to attend the routine of parliamentary business, which is frequently tedious, and seldom pleasant. The aid of men, versed in calculation, of those deep read in history, of others used to negociation, and of such as are well versed in commercial matters, must be always required by the ministers and by the House; and there should certainly be left the means of bringing them into parliament for the public service, as well as those who are to do the official business of government. The origin of borough representation, he said, was the protection of trade, that of the counties the landed interest; but as every member for a borough must also have a landed estate of 300*l.* per annum, surely the country gentlemen have every protection which parliamentary representation ought to afford them, and there is no need of any alteration on their account. Besides, should we come to disseminate boroughs, a most invidious dispute will arise, as to which are exceptionable and which are not so. Since the disfranchisement of all revenue officers, he believed the crown had but a very inconsiderable interest in any of them. He thought there was no longer any danger of that influence to be feared by the most jealous of prerogative power; but it was time to take care that the aristocratical weight of property did not totally bear down the power of the crown, and establish an influence much more destructive to the freedom of this country, by setting up the landed against the commercial interest; and this, too, in a commercial kingdom, which might end in overawing both the crown and the people. It had been said, that amongst the impure boroughs, none were more so than such as had been put up to sale. Cricklade being

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one of those which had been found by a committee to come under that description —what followed? Why, the right of voting for that borough was extended to the 40*s.* a year freeholders of four chosen hundreds, near it, and thus a lord and great commoner or two, to whom they are chiefly tenants, have the naming of the members for Cricklade, as the inhabitants bear no proportion in numbers to the other voters, while all the weight of the taxes fall on the town. Thus, in a recent instance, have parliament converted a free borough into the worst kind of burgage tenure. How the constitution is improved by it, or the public benefited, he was at a loss to tell; but this he saw clearly was the sort of reform aimed at by many, and something similar to it by all who talked of moderate alteration in the representation; or, in other words, such alteration as would most increase their own power and influence, while it might serve to extend that riot, confusion, idleness, dissipation, ill-blood, or bad neighbourhood, which generally prevail at elections, and occasion the inhabitants of borough towns to live in constant enmity.

He observed, that he had much more to say on the subject; but finding that the House was impatient for the question, he would conclude with this declaration, that he thought the motion tended rather to destroy, than to repair, the constitution of the country; wishing as he did rather to be governed by the king of the country, and by a better king it never was governed, than by the lords and great commoners; and thinking, too, that the motion would only tend to subvert instead of to uphold the rights of representation, he should vote for the order of the day.

The Earl of *Surrey* said, he could have wished that a committee had been appointed in preference to the motion before the House; but as he had only his choice left of voting for the motion or for the order of the day, he certainly should give the preference to the right hon. gentleman's motion; and he hoped the public would not stop at that partial reform, but persevere; it did not go near far enough. He had hoped the burgage tenures would have been abolished, and the rotten boroughs disfranchised. He said, he would not be called to order, by asserting, that members gave 3,000*l.* and some 3,500*l.* for their seats; but, he would say, the people without doors, believed that they did, and confidently said as much.

Mr. *Rigby* said, he never would agree to any innovation or addition to the present number of the Commons, and declared that he would sooner see another member added for Old Sarum, where there was but one house, than another member added to the city of London, who had enough already. He was perfectly astonished at the Lord Advocate's declaring he should vote for the motion. He did expect he would have assigned something like a reason for having changed his opinion since last year. Mr. Rigby laughed at the resolutions of the Constitutional Society and Quintuple Alliance, and said, that the honest gentlemen who composed those meetings, and gave them ridiculous names, only deceived themselves. They thought the attention of all the world was as much engaged in the question of parliamentary reform as they were, when in fact scarce any body else thought or cared about the matter. He stated that in the county in which he lived, some ten or a dozen persons wrote to the sheriff to call a county meeting; nobody came to that meeting but themselves and a few persons who had predetermined as to what they were to meet about, and then they called that the county meeting. He thought the spirit of innovation had already been carried too far; the influence of the crown, for instance, he was firmly persuaded, had been too much curtailed. The public could not but feel this; and would ministers say, that they did not feel it, and feel it as a great inconvenience in the execution of the necessary business of government? [Mr. Fox nodded across the House, by way of signifying, that ministers did not feel the influence of the crown to have been too much diminished.] The right hon. gentleman gives me a nod, continued (Mr. Rigby), I know that here, I shall upon such a question have no other answer than a nod; it would not do for those who, when in opposition, were most clamorous within these walls for the diminution of the influence of the crown, to own in the face of gentlemen whom they led away by such a clamour, that they feel the inconvenience they themselves occasioned; but I know they do, and I know the public feel it. I will prove my assertion—the public feel it at this hour very materially in want of a board of trade. Such a board was never more necessary. Don't let any gentleman rise and tell me, that their business is directed

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by a special act of parliament to be done by some of the privy council. Have any of the privy council sat once for such a purpose? No, not once. Are they likely to sit for that purpose? I, Sir, who have been a privy counsellor for upwards of 20 years, know there is not a probability of their doing the business, much as it calls for attention at this moment. A noble friend of mine presided in that council for many years. I mean the duke of Bedford. Sir, when that noble duke was at the head of the council, I was a pretty constant attendant, and I was so from necessity; I was desired by the noble duke to attend as a third person, otherwise there could not have been a board made. This being the fact, will any gentleman say, that there is the smallest probability the privy council should discharge those duties, that a board of trade composed of able men would discharge so much to the advantage of the public? I am as great an enemy to an improper extension of the influence of the crown as any man; but, I contend, that the influence of the crown is as necessary an ingredient in the constitution, as the power of the Commons, and I trust and hope that the time is not far distant, when the influence of the crown will be restored to its former necessary extent, in those particulars, in which the public at large feel a real injury from its diminution.

Mr. *Sheridan* said he was disappointed: the motion did not go far enough. He would, nevertheless, vote for it but; he wished that it had embraced more of the objects in general request. The shortening the duration of parliaments was one of those objects, which in his mind was most properly pursued, as a measure, tending to correct the great vice in the representation of the people—their subserviency to government in consequence of their long lease obtained from the people. Shorten that period, and unquestionably you strengthen the intercourse and connection between the representative and the constituent, and his station being more precarious, he was likely to be attentive to his trust. Mr. Sheridan very successfully ridiculed the Lord Advocate and Mr. T. Pitt as the new converts to Mr. W. Pitt.

Mr. *Mansfield* spoke against the motion on exactly the grounds of lord North, and wondered much at the conversion of the Lord Advocate.

Mr. *Martin* supported the motion, yet did not think it went far enough; he was for a similar motion to that of last year. Lord North and Mr. Rigby, he said, were much better companions at a table than they were in that House; but as the noble lord was going to the other House, he wished him well in private life, but thought he was the chief cause of our misfortunes. He ironically thanked Mr. Powys for his civility to the constitutional society. Mr. Martin said, the society was under prosecution for a publication, and he was glad of it, for he was sure no harm could arise from any of their publications, which were perfectly constitutional.

Mr. Alderman *Sawbridge* was in favour of the motion, yet thought it by no means adequate to the purpose intended; he defended the Quintuple Alliance, and thought that, although universal representation would be absurd, something near equal representation might be acquired.

Mr. *Dempster* was against the motion, as he did not know the sentiments of his constituents on the subject; and as he was the representative of a borough, he could by no means give his assent to a vote that would lessen the influence of his constituents. He voted last year for a committee, because there the necessary enquiries might be made into the real errors. If any part of the representation of this country wanted reform, it was that to which he had the honour to belong, and this was not the species of reform which would apply to their grievances.

Sir *Watkin Lewes* said, he should ill-discharge his duty to his constituents, if he consented to give his silent vote. Obliged as he held himself to the right hon. gentleman for bringing forward these propositions, yet he was forced to declare they did not go to the extent of his wishes, or those of his constituents, or, he believed, of the public; but as they tended in some measure to secure the independence of parliament, and would give some satisfaction to the kingdom, they should have his most earnest support. Let me conjure this House, said sir Watkin, not to reject the petitions of the people, but to shew every respect and attention to them. This at least is due, as a compensation for the dismemberment of the empire and the loss of America, and will tend, I hope, to revive the commerce and restore the dignity of the remaining part of the British dominions.

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Sir *W. Dolben* was sorry the right hon. gentleman had changed his mode of bringing on the business. He advised him not to despair should he lose the motion. If he would again move for a committee to be appointed, he was persuaded he would find himself strenuously supported. In its present form, sir William declared, he could not possibly vote for the proposition.

Mr. *Medley* gave an account of the Sussex meeting, and said, he thanked God, burgage tenures were not abolished; had they been so, he should not have had the honour of a seat in that House. He should vote against the motion.

Mr. *W. Pitt* replied to the various objections that had been urged against his motion, and observed, that till late in the debate, no argument had been directed against his specific proposition, but all that had been said, had gone generally against any reform upon the idea of the danger of innovation. He ably combated most of the arguments urged by his opponents, and endeavoured to shew, that the House, on adopting his proposition, would afford much satisfaction to the people, and beget their confidence; a matter abundantly to be wished by the House in general, but in particular by administration. He expressed his gratitude to Mr. Fox, for the able, zealous, and firm manner in which he had supported his propositions, and declared his satisfaction with regard to that gentleman would have been complete, but for one part of his speech, and one part only which had given him pain. What he alluded to was, that part of the right hon. gentleman's argument, in which he stated the offer of his hon. friend and relation to resign Old Sarum as an empty shew of magnanimity that could not be accepted. He reasoned upon this for some time, and declared that history proved in a variety of instances, that any borough desiring to surrender its rights, was a serious offer, and capable of acceptance.

At half past two in the morning the House divided on the motion for the order of the day:

Tellers.

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|---|---|---|---|
| Yeas | Mr. Eden<br>Mr. John Robinson | - - - - | 293 |
| Noes | Lord Mahon<br>Mr. Byng | - - - - | 149. |

Mr. Pitt's Motion was consequently lost by a Majority of 144.

*Case of the Bishop of London and Mr. Ffytche — Resignation Bonds respecting Church Livings.*] May 9. The House heard counsel upon an important writ of the bishop of London (Dr. Lowth) against Lewis Disney Ffytche, esq. defendant. The particulars of the case are briefly these. The rectory of Woodham Walter in Essex, in the diocese of London, having become vacant, the bishop of London, upon the request of the patron, Mr. Ffytche, waved the advantage of the lapse, and permitted him to present the rev. Mr. Eyre to the living: but, finding that Mr. Eyre had granted a bond to Mr. Ffytche in a penalty of 3,000*l.* to resign the rectory when it should be required of him, the bishop refused to allow him institution. Upon this Mr. Ffytche brought a writ of *quare impedit* in the court of Common-pleas, and a decision was given in his favour. The bishop dissatisfied with this judgment, brought a writ of error in the court of King's-bench which affirmed the judgment of the court of Common-pleas. Under this disappointment, the bishop brought his writ of error to the House of Peers; and expressed his hope that the judgments from which he appealed should be reversed. After the counsel had finished,

Lord *Thurlow* rose, and entered largely into the wide space this question comprehended, and the consequence a conclusive decision would be to a numerous part of this kingdom. He considered the appeal in every point of view, and for a number of reasons which he stated, could not but condemn the idea of a clergyman's giving a bond to his patron for any consideration, on his being presented to a living: among many other, he supposed the patron to differ in some points of religion with the established church; and with a view only of having those points omitted where he had a right of presentation, he would oblige the incumbent, before he was in possession of that living, to enter into a resignation bond; by this means he was entirely subject to the patron's will, and of course, obliged to acquiesce in his requisitions; and for the doing of which the bishop of the diocese had likewise an undoubted right to dispossess him, if the incumbent continued in the doctrine, contrary to the injunction of his patron; and even here, admitting the bond so given, not to come within the charge of simony, still the patron could undoubtedly sue for the penalty of the bond on de-

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fault of a resignation, and even come upon the tithes and emoluments of that living, for the recovery of the same: the patron he considered as nothing more than a trustee for the public, to dispose of the living; and that those livings should not be improperly bestowed, it was very requisite there should be a right somewhere to examine into the merits of the presented, and this he thought very justly vested in the bishoprics; but the ecclesiastical law went even farther than this, for there was still a check over these, by an appeal to the metropolitan; so that it was not in the power of any bishop to reject a person, when presented by the patron, unless he was destitute of the qualifications necessary for the charge he was to be entrusted with. His lordship mentioned a number of other similar cases, and urged a variety of judicious remarks to illustrate the impropriety of such bonds being considered as legal, and to defend the right reverend bishop for having in this case refused to admit the clerk presented by Mr. Ffytche, as he had grounds to suppose such a bond had actually been given, and that they refused to prove the contrary; but as the decision in a case of this nature was of so material a consequence, his lordship wished that House would consider it on the most copious grounds, and suffer him, the Judges being present, to take the opinion of that learned body upon a few questions he had drawn up for that purpose, and which he hoped would prove sufficient to render every doubt that had hitherto arose in cases of this nature, totally impossible in future. His lordship then concluded by moving his Questions to the Judges, which were as follow:

1. "Whether an agreement made between the incumbent on a benefice with the cure of souls, and the patron thereof, whereby such incumbent undertakes to devoid the said benefice, at the request of such patron, be not an agreement for a benefit to the said patron? 2. Whether, if a patron shall present any parson to any benefice with cure of souls, for, or by reason of any such agreement, such presentation will not be void? 3. Whether a bond given by the incumbent on a benefice with cure of souls to the patron thereof, in the sum of 3,000*l.*, defeasible only by the said incumbent devoiding the said benefice, at the request of the said patron, whether the value of the incumbency be greater or less than the said sum of 3,000*l.* be not a bond for securing a benefit to the said patron? 4. Whether, if a patron shall present any parson to any benefice with cure of souls, for, or by reason of any such bond, such presentation will not be void? 5. Whether the ordinary of a diocese, wherein any benefice with cure of souls lies, be compelled, in law, to accept the resignation of the incumbent thereof, in case where the resignation should appear not to be spontaneous, but at the instance of another, and under the coercion of a bond to pay money in case of a neglect or refusal to resign? 6. Whether a bond given by an incumbent on a benefice with cure of souls, to the patron thereof, in the sum of 3,000*l.* defeasible only by such act, as afterwards to be done by the ordinary, be not a bond for the benefit of the said patron, in respect to the contingency which such incumbent cannot control? 7. Whether, if a patron shall present any parson to any benefice with cure of souls, for, or by reason of any such last-mentioned bonds, such presentation will not be void? 8. Whether the unfitness of the defendant in error, in the second plea mentioned, be alleged with sufficient certainty? 9. Whether the said plea be sufficient, in law, to bar the defendant in error from maintaining his action? 10. Whether the unfitness of the said plea set forth is traversable? 11. Whether the excuse alleged upon this record, for not admitting, instituting, and inducting the clerk of the plaintiff, is sufficient in law? 12. Whether the bond stated in either of the pleas is good and valid, or corrupt and void in law?"

The two latter questions were proposed by the earl of Mansfield, in addition to lord Thurlow's, and it was ordered that the Judges should give their opinions on the questions on Monday fortnight.

May 26. The order of the day being read for receiving the answers of the Judges, they proceeded to give their opinions, *seratim*. They were heard in turn, beginning with the junior in office, and this took up three days. The opinions were as follow:—

The several Answers of Mr. Justice Heath, Mr. Justice Buller, Mr. Justice Nares, Mr. Justice Willes, Mr. Justice Gould, and the Lord Chief Baron of the court of Exchequer, to the questions of law put to them, were: 1. That the agreement stated in this case, is not an

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agreement for the benefit of the patron within the intent and meaning of the statute. 2. That if the patron present for, or by reason of such an agreement, the presentation will not be void. 3. That giving such a bond, does not secure a corrupt or illegal benefit to the patron, being only intended to enforce the resignation of the benefice, and that the being obliged to have recourse to the penalty of the bond, will be no benefit to the patron within the intent and meaning of the statute. 4. That if the patron present to a benefice for, or by reason of such bond, such presentation will not be void. 5. That it not being a question made in the courts below, nor ever argued at their lordships' bar, they beg leave to decline giving any opinion upon it. 6. That whether the incumbent can compel the ordinary to accept of the resignation or not, it is not a corrupt benefit to the patron. 7. This is answered by what is said to the 4th question. 8. That the unfitness of the defendant is not alleged with sufficient certainty. 9. That the plea is not sufficient in law, to bar the defendant in error. 10. That the unfitness, as set forth in the plea, is not traversable. 11. That the excuse alleged upon this record for not admitting, instituting, and inducting the clerk, is not sufficient in law. 12. That the bond stated in the pleas is good and valid in law.

The Answers of Mr. Baron Perryn were: 1. It is a benefit, but not corrupt within stat. of 31 Eliz. ch. 6, sect. 5. 2. Such presentation will not be void within the intention and meaning of the said statute. 3. I think it is a bond for securing a benefit to the patron. 4. I am of opinion, that notwithstanding a patron does present by reason of such bond, such presentation will not be void. 5. I am of opinion the ordinary is compellable to accept the resignation as the case stated, unless he can shew a simoniacal or corrupt agreement, or other sufficient cause to the contrary. 6. Whether the incumbent can or cannot controul in the cases stated, I think such bond is a benefit, but not a corrupt one, within the meaning of stat. 31, Eliz. 7. I am of opinion, if a patron does present for, or by reason of such last-mentioned bond, such presentation will not be void.—In answer to the 8th, 9th, and 10th questions on the second plea, I am of opinion, that the unfitness of the defendant in error in the second plea mentioned, is not alleged with sufficient certainty in law to bar the defendant in error from maintaining his action, and that the unfitness in the said plea set forth is not traversable. In answer to the 11th and 12th questions, I am of opinion, that the excuse alleged upon this record for not admitting, instituting, and inducting the clerk of the plaintiff is not sufficient in law; and that the bond stated in the pleas is good and valid in law.

The Answers of Mr. Baron Eyre were: 1. That it is an agreement for a benefit. 2. That it does devoid the presentation. 3. That the bond is a benefit. 4. That it does devoid the presentation. 5. Not answered. 6. Assuming that the bishop may refuse it, is a benefit in respect, &c. 7. Assuming, &c. it does devoid the presentation. 8. The unfitness not alleged with sufficient certainty. 9. The plea not sufficient in law, &c. 10. The unfitness in the second plea set forth not traversable. 11. The excuse in the first plea is sufficient. 12. The excuse in the second plea is not sufficient. Upon these pleadings it is not competent for the plaintiff in error to object to the validity of the bonds stated in the pleadings, and therefore they are to be taken to be good and valid, and not corrupt and void in law.

May 30. The Judges having given their opinions,

The Bishop of *Bangor* (Dr. Warren) said, that he never rose in that House without great diffidence; but that he never had so much reason to mistrust himself, as on the present occasion, since, notwithstanding what had been urged at the bar on the side of the defendant in error; notwithstanding what had fallen from the learned judges, he was dissatisfied with the judgment in the courts below, and could not help wishing, that an alteration might be made in it. The bishop then said, that he had occasion, many years ago, to enquire into the question now before the House, and that he formed an opinion then, that the determinations, one in the 8th of James 1, and the other in the 5th of Charles 1, were not so well founded as they ought to have been, and yet they had been the precedents, which the courts had implicitly followed, whenever the matter of general bonds of resignation were brought into question. The bishop then enumerated the reasons which induced him to consider the sedeterminations as ill-founded, and they were principally the following: because such bonds were

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directly contrary to the very letter of the 31st of Eliz. as it was hard to conceive how a presentee could give a bond of resignation to a patron, in any sum, by way of penalty, from whence the patron must not derive some profit, some benefit, and advantage, either directly or indirectly; because such bonds, if not contrary to the letter, were certainly contrary to the spirit and design of this act, since, if they were allowed to be good and valid in law, the act might be evaded with the utmost ease through every part of it. Because such bonds placed the obligee in a situation very improper for the minister of a parish. Because they enable the obligator to turn a man out of his freehold without any trial, any proof, or sentence whatever; and lastly, because they might be made use of to the most mischievous purposes, to the prejudice of religion, and the disturbing of the public peace. The bishop then observed, that as these reasons had induced him to consider these determinations as ill-founded, so had they made him hope, that he should live to see the time when the courts in Westminster-hall would entertain more liberal sentiments on this subject. Whether that time was now come he would not venture to assert; but he confessed, that he had some hopes that it was not far off, as one of the learned judges had, in a very ingenious argument, established the just pleas of the plaintiff in error; and the rest of the judges had not scrupled to say, that if it had been *res integra*, they would not have determined it in the same manner as their predecessors had done; but the weight of incidents for so great a length of time pressed so hard upon them, that they were afraid to make any alterations lest they should be considered as removing land marks, and taking too closely into fundamentals. The bishop then observed, that great reverence was due to such decision of our courts as had been uniform and long acquiesced in; but if great inconveniences should in after-times be found to arise from persisting in such determination, and no inconvenience from departing from them, the case was too plain for him to say what their lordships ought to do. The bishop then remarked, that there were some decisions on our law-books, which could hardly be reconciled with the common feelings of mankind; such was the case of White and White, which was determined last year. Many of the lords were disposed to reverse that judgment; but on their being assured by the law lords, that a reversal of that judgment would have shaken one half of the estates of the principal families in England and Ireland, the House thought it more expedient to affirm an erroneous judgment than to open a door to endless law-suits. The bishop then observed, that the present case was not of that sort, as no inconveniences would arise from reversing it, and if any would arise from reversing it, and if any inconveniences should be suspected as likely to follow, a remedy might be provided by a short Bill: but if the judgment was reversed, great advantages would be instantly felt, as it would promote religion, learning, decency, order, good manners, discipline, &c. After this, the bishop desired the indulgence of the House for one minute longer, whilst he made a few remarks on what had fallen from one of the judges respecting the oath of simony, as it stood in the canons of 1603. It was intimated, that as the decisions concerning the validity of bonds were made on an act of parliament in the 31st Eliz. a clergyman, who had given a bond of resignation, might safely take the oath of simony, required by a canon of the succeeding reign. The bishop on this occasion enumerated the several oaths of simony, which had been taken in different periods, and observed, that in some there was an express clause against bonds of resignation; but this clause had been left out some centuries, and the words, "simoniacal contract or promise," were inscribed in the room thereof, which were construed to extend to every kind of promise, bond, covenant, &c. and as those words made part of the oath long before the act of the 31st Eliz.; and as the same oath was prescribed by the canon of 1603, recourse must not be had to decisions in Westminster-hall for the meaning of those words, "simoniacal contract," but enquiry ought to be made into the sense of these words when the oath was first imposed, and that they were then considered as comprehending every kind of bargain, promise, &c. for obtaining a presentation, was not to be doubted. This being the case, the bishop observed, that no clergyman of these days, who had entered into a bond of any kind to resign, could, with a safe conscience, take the oath of simony. The bishop then said, that he did not advance this on his own authority only, as he had the authority of bishops Stillingfleet and Gibson, who, for their learning, goodness,



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and wisdom, were two of the greatest bishops since the reformation. The bishop then concluded with observing, that he thought it his duty to take notice of this matter, lest if what had fallen from the learned judges had not been answered, it might have been concluded, that because bonds of resignation had been determined to be good and valid in law, therefore a clergyman, who had given a bond of that sort, might safely take the oath of simony, and this doctrine might have gained ground, and the authority of a learned judge would have been quoted for it.

The Bishop of *Salisbury* (Dr. Barrington) spoke also against the legality of resignation bonds, and contended that they were, in every sense of the thing, acts of a simoniacal nature and tendency, and consequently pernicious in the church. He argued strongly for a reversal of the decree.

The Bishop of *Llandaff* (Dr. Watson) said, that though he was extremely sensible how much it would become him, to endeavour to bespeak the indulgence of the House, for the liberty which he was then taking of delivering his sentiments, on a subject which had received so able and so ample a discussion from the learned judges, and from his brethren who had spoken before him, yet he held their lordships' time to be far too precious to be consumed in listening to any preface or apology which he could make. He was the more emboldened to deliver his opinion on the subject, from observing that the judges themselves were not agreed in theirs; had they been perfectly united in sentiment, he should have had much greater scruple and hesitation in speaking than he then felt; yet even in that case, he could not have suffered himself to have remained altogether silent on such an occasion, when a question of the greatest importance, both with respect to the interests of the established church, and the general interest of the Christian religion, was to receive the solemn and final adjudication of that House.

The importance of the question, he observed, with respect to the established church, was evident enough, from the effect which its decision might, eventually, have on its revenues: they might be very materially injured thereby. There was not, he was persuaded, one of their lordships, who had duly weighed the cause and religious utility of an established church, and made himself sufficiently acquainted with the extent of the revenue appropriated to the support of our own, that could ever entertain the most distant wish of seeing that revenue lessened. The proportion, indeed, in which that revenue was distributed amongst the clergy might, in his sincere opinion, easily admit an improvement conducive alike to the good of religion and the welfare of the state; but that of whatever sentiments their lordships might be on that head, he was certain they would concur with him in thinking, that the whole revenue, when taken in the gross, was not more than sufficient, if sufficient, for the proper maintenance of the established church; it could not, without danger to the civil community, admit of any diminution. But the legality of general bonds of resignation, if their lordships should adjudge them to be legal, would have a direct tendency to diminish that revenue in a great degree; for no sooner would that legality be generally known, but pettyfoggers of the law, money scriveners, land surveyors, and all the simoniacal jobbers of ecclesiastical property, would conspire with needy patrons and with more needy clerks, to invent and execute a thousand collusive plans to rob the church of a portion of that patrimony, which the pious wisdom of their ancestors had annexed to it, and which their piety, he trusted, and their wisdom would never suffer to be dissevered from it.

But the importance of the question, he said, might be considered in another and more momentous view, as it respected the purity of our holy religion. It was not for the security of the church revenue, that he was in any degree solicitous, except so far as that security tended to render the clergy more fitted to discharge with fidelity the high duties of their sacred function. General bonds of resignation put the ministers, who submitted to them into a state of dependence, awe, and apprehension, inconsistent with their situations as preachers of the gospel. The pope in former ages was a great encourager of resignations among the clergy of this kingdom, because he obtained a year's income of the benefice upon every voidance; but neither were the Catholic clergy of this country at that time, nor are they, he believed at this time, fettered by general bonds of resignation. In the church of Scotland, he spoke, he said, under the correction of many noble lords in that House, who certainly knew the

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matter much better then he did: but he believed he was right in saying, that this unholy traffic in holy things had not yet polluted the minds of either the patrons or ministers in the church of Scotland; nor was it practised in any Protestant church in Christendom, at least not in the same degree in which it was practised in our own. This traffic, he said, was a sore scandal to the church of England; and he hoped from the high sense of religion and honour which had accompanied the deliberations of that House, that the time was now come when it would be no longer endured. Even in the primitive ages of the Christian church, when it was not only unprotected by the civil power, but persecuted by it; when kings, instead of being its nursing fathers, were the bitterest of its enemies; even then, when the clergy were maintained out of the eleemosynary collections, which, by the direction of St. Paul, were made by every congregation of Christians every Lord's day, a minister of the gospel was not in so precarious, dependent, and every way improper a situation, as the legality of general bonds of resignation would place him in; because his support did not then depend upon the caprice of some one flagitious individual, who might be offended by the evangelical freedom of his discourse, but upon the good sense of hundreds of well-disposed Christians, who felt themselves edified thereby. This, he said, was a very serious consideration, and much deserving their lordships' attention; he did not wish, nor, he would take the liberty to say, was there a bishop on the bench who wished to see the clergy rendered insolent by an accumulation of wealth and power; but he must ever wish, and he was sure he spoke the sense of all his brethren, they must all of them ever wish to see the clergy rendered so independent of all men, that they need not be afraid to tell any man of his sins; but that they might reprove, rebuke, exhort, and preach the word of God with sincerity and truth, without shrinking from that part of their duty, from an apprehension of being turned out of their benefices if they discharged it. The alienation of the church revenue, and the introduction of a spurious, timid temporizing Christianity, were two great inconveniences to call them by no harsher appellation, which would attend the legality of general bonds of resignation.

Here he observed, that he should probably be told, that he was guilty of a great solecism in adducing the inconvenience attending general bonds of resignation, as a proof of their illegality. But he was not, he said, so wholly ignorant of the first principles of reasoning as to make any such conclusion; he did not assert, that the inconvenience he had stated was a proof of the illegality of such bonds; but he humbly thought, that where the illegality was wholly questionable, as it confessedly was in the present case, the inconvenience might have, and ought to have, and would have, some weight in determining their lordships' judgments on the subject; nay, he was disposed to go farther, for he thought, that though the inconvenience was not a direct proof of the illegality of the bonds, yet if the matter was to be at all decided by the common law, it was a strong presumption of it; for the presumption appeared to him to be well grounded—that what was repugnant to the common interest, could not be conformable to the common law of the kingdom; but, that general bonds of resignation were repugnant to the common interest of the kingdom, was what some of the judges had strongly intimated, and what few of their lordships, he believed, was the matter a *res integra*, would scruple to affirm.

He had heard, he said, but four reasons mentioned in proof of the utility of even specific bonds of resignation. One respected the binding the clerk to a longer residence in his benefice than the law required; the second related to the restraining him from enjoying pluralities, in cases which the law allowed; the third and fourth had reference to the convenience of private families, in preventing the cession of livings by the acceptance of bishoprics, and in providing for sons, or other connections when they came of age to hold livings. The two first reasons appeared to him to be well founded in law; for it was certainly lawful for a man to give a bond restrictive of his natural or civil liberty, provided the restriction was for a good purpose, for a purpose of public utility. But the legal validity of the other two reasons was not so obvious to his apprehension; the purpose of the bond in either of the cases was not good; it was good for particular families, but it was not good for the community at large: and it was better that particular families should sustain a little injury, than that the public should suffer a great inconvenience. Here, he

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said, he must correct his expression; he was incorrect, he thought, in saying that private families would sustain any injury, in having special bonds of resignation adjudged to be illegal: there might, according to our present notions of these things, be some hardship, but there would be no injustice in the case; for it ought ever to be remembered, that the *jus patronatus* was a spiritual trust, and could not properly be considered as a source of temporal benefit. When the right of patronage was first granted to lords of manors, and other laymen who built or endowed churches, there can be no doubt that they presented their clerk to the bishop, not conditionally but absolutely; not for a term of years, or to resign at the request of the patron, but for the whole of his life.

With respect to general bonds of resignation, he said, the matter, it seemed, was not now a *res integra*; there had been in the course of above 200 years many adjudged cases, and that we must, it was contended, of necessity adhere to the precedents. The *stare decisis*, the *stare super antiquas vias*, was a maxim of law sanctified by such length of usage, such weight of authority, that he durst not produce any one of the arguments which suggested themselves to his mind in opposition to it; though some of them tended to question its utility, and some of them its justice. It was a maxim which his hitherto course of studies had not brought him much acquainted with; it was not admitted in philosophy; it was not acknowledged in divinity; for divines did not allow that there were any infallible interpreters of the Bible, which was their statute book; they maintained that fathers, churches, and councils had erred in their interpretations of that book, in their decisions concerning points of faith; this, as Protestants, they ever must maintain, or they could not justify the principles on which they emancipated themselves from the bondage of the church of Rome. But be it so; let this maxim, as applied to the law, be admitted in its full extent, what follows? nothing in this case; for the plaintiff had averred, and one of the learned judges had been pointed in proving, that the case in question was not similar to any one of the cases which had been adjudged in the courts below. Now a slight variation of circumstance, he thought, vitiated the validity of a precedent; and the ground upon which it vitiated it, he apprehended, was this—that we could not tell whether this variation of circumstance, had it been contemplated by the judge, or the court which first established the precedent, might not have operated so as to have produced a different judgment? We were all sensible, that when the mind was suspended, as it were, *in equælibrio* by the equal prevalence of opposite reasons in cases of intricacy, what a little circumstance would cause it to preponderate; and this little circumstance by which any case differed from an adjudged case, lessened, if it did not annihilate, the weight of a precedent, *qua* precedent. But let us suppose, continued he, though we do not grant it, that the case of the plaintiff is similar in all its circumstances, to some one or more of the cases which have been adjudged below; still it will not follow, that the House of Lords is to be bound by the precedents of those courts; if it is, the right of appeal is a nugatory business. A precedent is a judgment that has been acquiesced in; but the subject is not bound to acquiesce in the judgment of the courts below; he may think that the judgment of those courts is contrary to law, and he has a right to come to this House to know whether it be so or not; and this House, in delivering its opinion, does not make law, but declares what the law is; the courts below interpret a statute one way, this House may see reason to interpret it another; and, in that case, the constitution has said, that the courts below mistook the sense of the statute, and that the interpretation which it receives in this House is the right interpretation. Precedents may be obligatory in the courts in which they are established, and they may there be useful, in expediting processes, and in easing the shoulders of the subject from that great and unavoidable burthen, the uncertainty of the law; but their operation should not be extended beyond the walls of those courts; it ought not at least to be extended into the House of Lords. If, indeed, there were any precedents of that House, concerning the legality or illegality of general bonds of resignation, those precedents would have deserved weight in the present case; but there was not one precedent of the kind to be met with on their Journals; so that whatever might be thought as to the novelty of the case in the courts below, it was undoubtedly new in that House, free and unshackled by precedent. Their lordships' decision would

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on this day establish a precedent which their posterity would revere and follow; it behoved them then—he begged pardon, he did not mean to inform them of their duty, but to attend to his own; it concerned him at least, to weigh the matter with caution, to give judgment on the legal merits of the question, as if it had never been decided in the courts below.

And here, he said, he was fully conscious of his inability, and acknowledged it with humility; he was not equal to the full legal investigation of the merits of the question. But as it was sometimes of use, to know how the perusal of a statute struck a plain unprofessional man, he would briefly state to the House, how the statutes of the 31st Eliz. and the 12th Anne, to prevent corrupt presentations to benefices, had struck him. He was sensible that the words "general bonds of resignation" were not to be found in either of the statutes, and consequently such bonds were not expressly *totidem verbis* prohibited by the statutes; and if every thing that was not *totidem verbis* prohibited by an act of parliament, was to be considered as allowed by that act, then unquestionably, general bonds of resignation were legal. But he begged leave to consider the subject in another way. During the short time in which he had had the honour of a seat in that House, he had heard many diffuse and eloquent orations on different sides of the same question, by which his understanding had been so bewildered, and his judgment so perplexed, that he had not been able to come at any conclusion, till he had divested the debate of all its ornament, and examined the matter by the dry principles of scholastic reasoning. Would their lordships allow him, instead of dilating on the scope of the statutes in question, to sum up what he had to observe upon them in that dry way? A syllogism, he acknowledged it, was not a figure of rhetoric much used in that House, nor much calculated to conciliate its attention, but it served to compress much matter into a little compass, and to investigate truth with certainty. The syllogism which he would propound to their lordships' consideration was simply this—That practice cannot be conformable to the spirit and meaning of an act of parliament, which entirely frustrates the very end and purpose for which the Act was originally made:—but general bonds of resignation entirely frustrate the very end and purpose for which both the statutes were made:—therefore general bonds of resignation cannot be conformable to the spirit and meaning of those statutes. How general bonds of resignation frustrated the ends of those acts would appear by a single example. Suppose a living to be now vacant, the value of the next presentation to be 5,000*l.*; the patron, by the 31st Eliz. cannot sell this presentation: the clerk, by the 12th Anne, cannot buy it: a general bond of resignation puts both parties much at their ease: the clerk in consequence of it gets full possession of his living; the patron the next day sues his bond, or, without a suit, gets possession of his money; and thus the vacant presentation is virtually sold by the patron, and virtually purchased by the clerk, and the legal end and intention of both statutes is legally, if general bonds of resignation be legal, eluded and defeated. This, he said, was the way in which the matter struck him. He would proceed to trouble their lordships with an observation or two on the oath against simony, and on the form of resignation. In the first place, it was to be observed, that every clerk before institution, swore that he had not made any simoniacal contract for, or concerning the procuring of his benefice. The force of this oath, he said, depended on the construction of the two terms "simoniacal contract." The term simony was a very complex term; it extended to more cases than had been enumerated in any law book; but thus much, he thought, it would be allowed on all hands, was included in the idea of simony. Every pecuniary contract entered into by a clerk, by means of which he procured a presentation to a vacant benefice, and without which he would not have procured a presentation to it at all, was a simoniacal contract—but a general bond of resignation was a pecuniary contract entered into by a clerk, by means of which he procured a presentation to a vacant benefice, and without which he would not have procured a presentation to it at all, and therefore a general bond of resignation was a simoniacal contract. Here it may be remarked with apparent subtilty, that a bond to resign a benefice is not a bond to procure a benefice, and the assertion may afford matter of ridicule to those who are disposed to perplex the argument; but ridicule was not the test of truth, it was a cobweb spread by artful men to entangle weak understandings; and he did maintain, that

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though a bond to resign a benefice, and a bond to procure a benefice, were not in words the same thing, they were the same in purpose and effect. The cause of any effect, he conceived to be that, which being taken away, the effect itself would not take place; but a general bond of resignation was the *causa sine qua non*, the immediate efficient cause of the presentation; for if the bond was taken away, no presentation would take place; the bond therefore was a contract for procuring the living; it was the one essential mean of procuring it; for without it the living would not have been procured at all.

In the second place he would beg for a moment their lordships' attention to the form of resignation. In the old Latin form, and the modern English one, was, or ought to be, a translation of it, the clerk who tendered his resignation to the bishop used these words—*non vel metu coactus, vel sinistra aliqua machinatione motus, sed ex spontanea voluntate purè, ac simpliciter renuncio et resigno.* Now, if there was any meaning in language, he contended, that a clerk who had given a general bond of resignation could not use that form. How was it possible for him to say, that he was not *metu coactus*, when he was constrained by the terrors of his bond; that he was not *sinistra machinatione motus*, when he was compelled to the action by all the untoward machinery of the law; that he did it *ex spontanea voluntate, purè, ac simpliciter?* no, there was no simplicity, no purity, no spontaneity in the case; or if any, it was that sort of spotaneity which a man felt when he delivered his purse to a robber; no, the resignation did not proceed from the spontaneous, intrinsic movement of his own mind, but from the compulsive, extrinsic energy of his bond. He had risen so early in the debate, not from any vanity of expectation that his opinion could have weight with any person but himself; but from a sincere wish to have the judgment which he had formed corrected if it was wrong.

The Bishop of *Gloucester* likewise, in corroboration of what his reverend brother had said, went into an explanation of the oath taken by the clerk on his being inducted, and the impossibility of his taking such an oath after giving a resignation bond, without being perjured. He likewise animadverted on the slavish state the clergy would be held in, if presentations incumbered with such bonds were declared to be good and valid by that House.

Lord *Thurlow* followed the learned prelates, and like them condemned the practice of giving resignation bonds under any circumstance whatever; and after dwelling on the ill consequences that these bonds were likely to produce, he went through every case that had been decided upon since the passing of the 31st Eliz.; and drew from most of them a different conclusion to what had been done by the judges who gave their opinions on the questions which were put by their lordships excepting, baron Eyre, who was the only judge who dissented from his learned brethren. He said the learned bench had sought for precedents, where, in fact, although the cases were somewhat similar, the proceedings were entirely different; many of those causes had been lost from inattention to the plea, traverse, or averment, and therefore, notwithstanding the many cases that had been produced, and the many arguments used, he was of opinion, that the question whether these bonds were simoniacal or not, had never been decided upon. How was it possible they should, when their lordships are told, that in the courts below they considered the bonds as legal, where no proof could be produced that it was given for an unlawful purpose; and for the validity of the presentation refer them to the court of Chancery, as if a court of equity could act upon the consciences of the parties, and make them confess what motives had induced them to enter into such obligations. He had but little faith in the moral character of that man, who could take the oath prescribed, upon being inducted by the bishop into a living, after entering into such a bond; but should strongly suspect him capable of sustaining a false plea with false affidavits. When the right of patronage was first granted, it was granted under certain restrictions; they could only present to the bishop, and he upon proper grounds was vested with a right to refuse such clerks so presented: but that he should not refuse from any private dislike, an appeal was allowable to the metropolitan: but the bishop could not confirm for any number of years; no such thing was ever heard of; he could not turn that clerk out of his presentation, while he acted according to the laws and regulations of the church; it was futile, then, to suppose, that the patron was

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meant to enjoy a greater prerogative than the see, to whom he was obliged to apply for a confirmation of his choice. It was the same with respect to the appointment of masters in chancery; their appointment was in the breast of the chancellor; but, being appointed, they were totally independent of him, while they performed their avocations with attention and integrity. His lordship supposed a variety of cases, and drew inferences from them to the point in question; in the enumeration of which he traversed a large field of legal investigation. He took occasion to remark that he had been greatly disappointed by all but one of the learned bench, having availed themselves of the indulgence granted by that House, and under that indulgence declined giving an answer to his fifth question, as he considered it as containing matter of great importance, and should have been much indebted to them for their opinions upon it. His lordship concluded by moving that the decree of the court of Common Pleas be reversed.

The Earl of *Mansfield* then left the woolsack, and observed, that the judges having been called upon by their lordships to give their opinions upon certain questions, by which that House might be better enabled to decide upon the cause before them, they had of course attended, as it was their duty so to do—but some had availed themselves of that indulgence which their lordships generally allowed; it was not to oblige those to give their opinions from whose court the appeal had been made;—there were many cases, indeed, wherein they were called upon; for instance, in appeals from the court of King's-bench; they were called upon not to give their opinions upon the case, but for the reasons that had induced them to pass that judgment which had occasioned the appeal. Having said thus much with respect to the judges, he declared himself against reversing the decree, and principally for these reasons: because, whether right or wrong, it had been considered for more than 200 years as the invariable law of this land; it had frequently been decided upon as such, and numbers of worthy characters had acted accordingly, without having the least simoniacal intention by taking such a bond whatever. He replied to most of the cases mentioned by lord Thurlow; and, coinciding with the judges in their opinion upon them, he did not attempt to defend the practice; it might be an alarming evil, and perhaps called aloud for a restriction; but then he wished it to be checked in a proper manner, and not to immerge so great a part of the community in difficulties, and who had supposed they were acting according to the legal authority of their country—that it would plunge numbers into difficulties, even the learned prelate, who spoke so strenuously, was fully aware of; for even he had proposed an act to be passed for their indemnification; but who ever heard of giving judgment to inflict punishment first, and passing an act afterwards to alleviate it? Let the act be made, and then we might proceed accordingly. He likewise differed from the learned prelate with respect to that House being competent to decide of itself; such a decision would be contrary to the constitution; they could only act according to the laws of the country, and their judgment was only such as, according to those laws, ought to have been given in the courts below. He then reverted to some of the arguments used by lord Thurlow, and observed, that whatever might be his reasons for imbibing his present opinion, he had not the least doubt but had the case been brought before him while he was in Westminster-hall he would have fled to, and agreed with those precedents which he had now so ably and strenuously endeavoured to prove of no consequence.

The Duke of *Richmond* stated a matter of fact which had happened to himself in the purchase of an estate, where the right of receiving these resignation bonds had made a difference in the price; and as this circumstance might have happened to many others, he thought they ought, according to the many decisions that had been given in their favour, to be considered as good and valid, until an act of parliament should be passed declaring the contrary.

The question being put, a division took place, when there appeared in favour of lord Thurlow's motion, that the decree be reversed, 19, against it 18; majority 1.

*Debate in the Commons on the Lords' Amendment to the American Intercourse Bill.*] May 8. The Lords sent down the amendments made by them in the American Intercourse Bill. In that Bill there was a clause which gave to the King and council a power of making whatever regulations they should deem necessary;

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but the duration of this power was limited to six weeks. The Amendment made by their lordships was, an extension of the time to the 20th of December.

The *Speaker* observed, that as the Bill empowered the crown to impose duties, it was, strictly speaking, a money bill; and therefore the House could not, consistently with its own orders, suffer the Lords to make any amendment in it. In order to prove it clearly to be a money bill, he read a written opinion of the late Speaker Onslow, from which it appeared that the extension of the powers of a money bill, by the Lords, was contrary to the exclusive privilege of the Commons, of originating money Bills. The mode of proceeding on the present occasion would be to postpone the consideration of the amendment for three months, and in the mean time order in a new bill, framed according to the Lords' Amendment, which should be passed with all possible expedition.

Mr. *W. Pitt* agreed that the Bill was a money bill, and that having been amended by the Lords, it ought to be rejected; but still he could not but condemn a doctrine, which he had yesterday heard laid down (by Mr. Fox), which went to arraign the right of the House of Peers to give their opinion of what might appear to them an improvident loan; for he held, that they had a constitutional right to give their opinions, and even to transmit them to posterity, if they should think fit, by a protest.

Mr. *Fox* said, he never meant to lay down any such doctrine; for it would be very absurd indeed to send a loan bill to the Lords for their concurrence, and at the same time deprive them of the right of deliberation. What he meant was simply this, that it was not very decent for the Lords to lay down plans and schemes for making loans, which belonged solely to the Commons. He was willing that the amended Bill should be rejected, though he was of opinion, that the order of the House, respecting money bills, was often too strictly construed.

The Amendment was postponed for three months, and Mr. Fox immediately moved for bringing in a new Bill to the same effect, which was verbatim the same with the amended Bill sent down by the Lords. The motion passed; the Bill was brought in and read twice, without opposition; and as there were no blanks in it to fill up, it was not ordered to be committed but to be engrossed and read a third time to-morrow; this being previously understood, that as the Bill was in every respect the same as that which was rejected, except in the single amendment made by the Lords, the principle of the Bill should not be debated to-morrow, but merely the amendment.

*Debate on Mr. Alderman Sawbridge's Motion for shortening the Duration of Parliaments.*] May 16. Mr. Alderman *Sawbridge* rose to make his annual motion for shortening the duration of Parliaments. He said, that having so often explained his intention on the subject, and urged the arguments that occurred to him in support of his opinion, he would not trouble the House with a repetition; all, therefore, that he intended to say for the present was, to assure the House, that if his motion should miscarry this year, as it had hitherto in former years, he was determined to persevere in making it annually, as long as he should have a seat in the House; or until the measure should be adopted by parliament. Having gathered experience from past defeats, he was resolved that his motion for this year should be as little liable to objection as possible. He would only then observe, that some gentlemen had the other day, when a motion for the reform of parliament was under consideration, called the British constitution, "that glorious fabric, the work of ages, and the wonder of the world." It luckily happened, that the debate in which such language was held was not had in the presence of any foreigners at all versed in the English history; if it had, they must certainly have laughed at the ridiculousness of such a description. Had the gentleman, who used the phrases he had just quoted, forgot, that the British constitution, till the death of that tyrant Charles the 1st, was a system of the severest despotism, and that the people had no freedom whatever till after that period? Had they forgot that the government of the country antecedent to the tyrannical reign of Charles the 1st, was always despotic, being at one time a monarchical tyranny, at another an aristocratical tyranny, to which the people had uniformly submitted in the blindest manner. In ancient times, indeed, there had existed violent feuds and contests, but they were merely contests for power between the king and the barons, between the crown and the great men of the realm, in which

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the people had no interest; and it was notorious, the people never roused themselves, nor enquired after their rights, much less shewed a spirit of determination to assert them, till the reign of the tyrant Charles the 1st. It was therefore in later times only that the flame of public liberty had illumined our constitution; and it was indisputable, that it had burnt brighter and brighter by degrees, just as the people began to learn more and more what their rights were. For these reasons, to talk of the British constitution as a glorious fabric, for ages the wonder of the world, was perfectly ridiculous. On the present occasion, he meant to make his motion as general as he could, in order to afford room for as little objection as possible. Were he to move for a specific proposition, he was aware the luke-warm might take advantage of it, and thus avoid the real question. Some might say, if it were a motion for annual parliaments, that if it had been a motion for triennial, they would have given it their support; and others *vice versa* might have said the same, had he proposed triennial parliaments. He should propose neither, but merely move "for leave to bring in a Bill to shorten the duration of parliaments"; and if that Bill was suffered to be brought in, and allowed to go to a committee, he had no doubt, but he should be able to suggest such a mode of shortening the duration of parliaments, as should meet with general approbation.

Mr. *Martin* said, that unpopular as such a motion might be in that House at present, it was due to the people, and therefore he gave his hearty thanks to the worthy alderman for his perseverance. It had been asserted, when a reform of parliament was lately under the consideration of the House, that the majority of the people desired no reform of parliament; the fact might be so; and yet he should contend, that the lower orders of the people, copying the example of their superiors, and falling into a state of abasement and corruption, was no argument for that House to rest on, as a bar to any measure, which tended to give the people their just rights. He would maintain, that it was at all times the duty of every honest man, whether in that House or elsewhere, who had any pretensions to weight and influence, to stand up in defence of the just rights of the people, whether they desired it or not; and it was by honest men doing such acts of justice to the lower orders of the people, that the whole bulk of the public was rescued from abasement, and prevented from being involved in one general mass of corruption. Feeling in this manner, it gave him great satisfaction that various associations had been formed for the purpose of preserving and asserting the people's rights, and it was indifferent in every point of consideration, whether these societies met at taverns or elsewhere; their aim being laudable, it mattered not where they assembled. He hoped they would abound and flourish, notwithstanding the ridicule that had been endeavoured to be thrown upon them on a late occasion.

The Earl of *Surrey* supported the motion. He said, seven years was too long a period for any man to be entrusted with the exercise of the power of his constituents; members ought to be more frequently sent back to those who had deputed them to that House, that the latter might have an opportunity of rewarding them by electing them again, or of censuring them by rejecting them, just as their conduct should shew them to be objects either of reward or punishment. He hoped that the members for boroughs would vote this day with him; because, on the one hand, the Bill moved for had not the least tendency to diminish their franchise; and on, the other, if it should be deemed by them an advantageous thing to have more frequent opportunities to exercise their franchise, the Bill would afford them such opportunities. On a late occasion, a majority of that House, consisting of no less than 293 persons had declared, they were adverse to any enquiry whatever into the state of parliamentary representation. It had also been declared in the opinion of a majority, that it was perfectly right, that certain persons should continue to exercise the power of sending members to parliament for various boroughs. Having thought proper to make such a declaration, he felt it to be particularly right for those who made them, to convince the people, many thousands of whom had in their petitions prayed a reform of parliament, that though they did not think a reform necessary, yet that they had no objection to shorten the duration of parliaments, and thus give the people a more frequent exercise of their right of controul over their representatives.

Sir *P. J. Clerke* was also for the motion. He hoped that it would not be opposed by a ministry who would have themselves thought strenuous friends to



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constitutional reforms. Being one of the majority who had voted against adding 100 knights of shires to the number of the representatives, he rose to deny the noble lord's assertion, that he was against all enquiry into the state of parliamentary representation. He was far from entertaining an objection of that general extent, although he could not say he approved of the particular species of reform of parliament that had been proposed on a late occasion; but, with regard to the present motion, it had his hearty approbation. He thought there ought to be a more intimate connection between the electors and the elected than at present subsisted; from that persuasion it was, that he had always supported the worthy alderman's motions for shortening the duration of parliaments.

Mr. *Barrow* could not consent to have more frequent elections, till he should see some bills carried into laws, for preventing expenses at elections. Gentlemen talked of borough members being dependent; but, for his part, he really thought that county members were much more likely to be so; for the expense of a county election was so great, that numbers were, in fact, dependent upon those who, by subscriptions, defrayed them, or they came into parliament with their fortunes decayed, and, consequently subject to temptation. He believed that none were so independent as those who, like himself, represented cities. That, therefore, was, with him, a sufficient argument against the motion proposed the other day. With regard to the one now under consideration, he did not think the present was the fit time for bringing it forward. There was, as gentlemen well knew, a bill depending, the object of which was to prevent bribery and expense at elections. He was of opinion, that the bill he had mentioned, ought to have passed the House, before a motion like that now under consideration could be a proper topic of discussion. Let something be done to prevent bribery and expense at elections, and he should then be able to judge how far it would be prudent to limit the duration of parliaments. The city he represented might be as liable to corruption as any other; he felt, therefore, in common with other gentlemen, that it was necessary to do something effectually to prevent bribery at elections; till that was done, he could not but wish the present motion postponed. He should, therefore, move the previous question, as a means, not of destroying the motion, but merely of deferring it till the Bill to prevent bribery and expense at elections was disposed of.

Sir *E. Astley* said, that great thanks were due to the worthy alderman, for his perseverance in his endeavours to shorten the duration of parliaments. Our ancestors, in a critical state of public affairs, consented to the measure of septennial parliaments; but now, when the same political cause no longer existed, parliaments ought to be shortened. He claimed this, not as a favour, but as the people's right; and it was the more necessary at present, as, from the late coalition, it was not unfair to suppose it possible that a coalition should be made for making parliaments last ten or twelve years, or even to render them perpetual.

Mr. *Sawbridge* said, that he would not suffer gentlemen to skulk behind the previous question; for, if by means of it, his motion should be lost for that day, he would renew it every day, until he should force gentlemen to give it either an open negative or affirmative.

Upon this, Mr. Barrow withdrew his motion for the previous question, which having been done, the House divided on the alderman's motion.

Tellers,

| | | | |
|---|---|---|---|
| YEAS | Mr. Ald. Sawbridge<br>Mr. James Martin - | } | 56 |
| NOES | Marquis of Graham -<br>Sir Grey Cooper - - | } | 121 |

So it passed in the negative.

*Messrs. Powell and Bembridge.*] May 19. Lord *Newhaven* stated to the House, that the motion he had the honour to make on the 24th of April, for laying before the House the minutes of the Treasury, relative to the dismission of Messrs. Powell and Bembridge, appeared to him now quite useless, as a prosecution was commenced in the courts below; and as it would be highly improper to have an enquiry going on at the same time in that House, he should move, that the said order be discharged.

Mr. *Powys* insisted, that it was not sufficient for him to hear that a prosecution was commenced in the courts below; he wanted to know, whether the noble lord, when he originally moved the question, did not mean to institute an enquiry?

Lord *Newhaven* replied, that he origi-

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nally meant to institute an enquiry, but now he found a process was going on, he thought it needless. He had moved for the minutes, because he thought the public ought to know upon what ground those gentlemen had been dismissed from their situations in the Pay-office. He owed it to the respect due to the House, to justice, and to himself, not to attempt any measure that should lead to trying Messrs. Powell and Bembridge in that House, when, at the same time, they were to be tried in the courts below. Having heard that they were under a criminal prosecution, he thought it necessary to desist from instituting a parliamentary enquiry.

Sir *Cecil Wray* said, that when he seconded the noble lord's motion, it was not merely to try if there were any grounds for the House to interfere, but to bring under their consideration the restoration of the two gentlemen alluded to, after a dismission, which had taken place in consequence of an examination, which afforded such strong appearances of guilt, as induced the late attorney and solicitor general to think that a criminal prosecution ought to be instituted against them. For his own part, he was greatly surprised to find that the present paymaster-general should restore persons suspected of so great a crime as that of embezzling the public money; and he could not help saying, that the act of restoring them marked very little regard for decency to the public; and, therefore, as he wished to have that business enquired into minutely, he would oppose the motion for discharging the order. He meant to insinuate nothing to the prejudice of the two gentlemen in question; but there were, he understood, strong causes of suspicion alleged against them; their conduct had been examined into by a late board of treasury, and the late attorney and solicitor general had both concurred in opinion, that criminal prosecutions ought to be instituted against them; these circumstances all co-operated to give their conduct a black aspect; and though he meant not to apply any severe expression to the measure taken by the right hon. gentleman now at the head of the Pay-office, in restoring them to their former situations, without enquiry, and before they had been acquitted, he could not but think it highly indecent. All that he had heard in extenuation of it, fell far short of an adequate apology. The right hon. gentleman had said, he restored them because he chose it; for that he was responsible to the public, and not them; another reason assigned by him was, that he thought them innocent. Neither of these pleas, in his mind, amounted to a satisfactory excuse: if they had acted reprehensibly, the late paymaster did right to dismiss them, and the present paymaster acted wrong in restoring them; if, on the contrary, they had not been guilty of any criminality, the late paymaster was to blame for having dismissed them: but, at any rate, the facts ought to be come at for the satisfaction of the public.

Mr. *Martin* said, it was impossible both the late and present paymaster could have been in the right; he would leave the House to determine where the wrong lay.

Sir *P. J. Clerke* thought it inconsistent with justice, that any proceeding should take place in the House, that might prejudice the mind of a jury; and, therefore, he could not consent to the production of the minute.

The *Solicitor General* said the prosecution was not as yet commenced, but that every preparation was making for it. The conduct of the two gentlemen, as represented to him and his learned colleague, had been such, as called for the institution of a criminal prosecution; he and his colleague were to meet upon the subject of the prosecution in the morning, and he did assure the House, that it should be carried on gravely and with good faith.

Commodore *Keith Stewart* was of opinion, that the minute ought to be produced, as no satisfactory reason had been assigned to the contrary.

Mr. *Burke* apologized for the warmth he felt when this business was last before the House; it was the very high respect he had for the House, that would not permit him to sit quiet under an idea that he had deserved their censure; but he desired to be understood, that nothing was farther from his intention than to offer an excuse for what he had done relating to the two unfortunate gentlemen, who were the subject of conversation; with respect to his conduct on that subject, he felt such a sunshine of content in his mind, that were the act undone, he was convinced that he should do it again. It had ever been, and it ever should be a maxim with him, to compassionate the unfortunate; and, if they happened to be connected with him, to protect them, as long as he found them nothing worse than unfortunate. He called Messrs. Powell and Bembridge two unfortunate men; and

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said they had been committed to his protection by the hand of Providence, and that he did no more than his duty in restoring them to their situations; at the same time he declared he was far from meaning to impute any blame whatever to his predecessor. He might see the matter in a different point of view from that in which it struck him; and having acted upon his conscience and his judgment, he had acted warrantably and even laudably. He disclaimed every idea of having acted in concert with any of his Majesty's ministers, or having so much as asked their advice; nay, he declared that it was even contrary to the prayers and entreaties of the very parties concerned, that he kept them in his office. He said, that one of them had been with him, and appeared almost distracted; he was absolutely afraid the poor man would lose his senses; this much he was sure of, that the sight of his grey hairs, and the distraction in which he had seen him, had so far affected and overcome him, that he was scarcely able to come down to the House. He then read his own letter to Mr. Powell, by which he signified to him his restoration to office; but at the same time stated, that he was aware that there were charges of a very grave and weighty nature talked of against him, about which his mind was by no means made up; and he declared that if those charges should hereafter be proved, it would be utterly impossible for him to keep him in the situation that he then offered. He then read a letter from Mr. Powell, in which that gentleman implored him to permit him to resign, and entreated him to sacrifice him to public clamour rather than bring it on his own head. Mr. Burke then shewed, from the act that he himself had brought in for regulating the pay-office, that as there could be no balance either in his own hands or those of his clerks, the public ran no risk of being injured by the restoration of these unfortunate gentlemen. As for his own conduct in this affair, he cared not how deeply it was probed; but, in justice to them, he wished that no enquiry should be instituted till after their trial should be over, and then he would meet it with satisfaction.

The Marquis of *Graham* had no wish to prejudice any man, or to censure any man, before trial; but he thought it just and fair, that no evidence should be with-held from the House that might be necessary to public justice; and, therefore, he would oppose the motion.

Mr. *W. Pitt* was also against the motion. He said that the minutes of the Treasury were necessary, in order to vindicate the character of those, by whose advice the gentlemen lately restored, had been dismissed from their office, for their restoration seemed to reflect on those who had advised the dismission. He stated the danger to which the public would be exposed, by having again in office persons who had been dismissed under very strong suspicions of having demeaned themselves in an improper manner in places of great trust. He took particular notice of Mr. Burke's argument, that because a criminal prosecution was about to be instituted, therefore Messrs. Powell and Bembridge's conduct was not a fit subject for enquiry in that House. Such doctrine, he said, went much farther than gentlemen were aware, and was of infinitely more importance than any contemplation of the degree of criminality, imputed to those with whom he had lately had the *honour* to serve his Majesty, could possibly be; it nearly amounted to a blow at the constitution, and, if admitted to any extent went to the annihilation of some of the most useful and valuable functions of that House. He then came to the consideration of the degree of trust belonging to the cashier and accountant of the pay-office. He said, that the first had all the public cash pass through his hands, and it was the office of the latter to make up the accounts of former paymasters. Within the reach, if not in the custody of the latter, were lodged all the account-books of the office, so that if an accountant was charged with criminal conduct, and that in his management of former accounts, having those accounts within his reach, he was enabled to make either erasures or insertions, so as to support and confirm such a defence as he should be advised to set up for himself.

Mr. *Fox* stated to the House what a most cruel and unjust proceeding it would be to call for the papers during the time a prosecution was pending. He wished to know what could be the grounds for calling for the papers; it could not be for a justification of the late paymaster, because his conduct was not accused; it could not be to enter into an enquiry of the conduct of Messrs. Powell and Bembridge, because that was allowed to be improper during the time the suit was pending; then, it could be for no other purpose than censuring his right hon.

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friend, the present paymaster (Mr. Burke), and in doing that it was impossible to avoid entering fully into an enquiry of Messrs. Powell and Bembridge's conduct, which would be exceedingly unfair, as it would send them to be tried by a jury, who must be prejudiced against them, as only one side of the question could be heard. It was ridiculous to argue, that the re-instatement was meant as a censure on the late administration; certainly it was not, for by that rule there could be no change of administration; but the reinstating certain persons would be considered as a censure on the former. One great point to be considered was, whether the public could be materially injured by the re-instatement; and certainly they could not, for the paymaster was responsible for the conduct of his clerks; and it would be a peace of cruelty not to suffer him to have the appointment of his own clerks; for, to say that a man shall be responsible for a sum of money, and not name his own banker, was a doctrine too absurd for even any man to support. But it would probably be argued, what recompence can the paymaster make the public, if those servants of his are guilty of great peculation? Why, if he was a man of great fortune, his estate must suffer; and if he should chance to be a man of less fortune, then his liberty would be at stake, as he would be liable to be imprisoned to make good the deficiency; and certainly the fear of the loss of liberty would deter a man from proceeding so manifestly wrong. Another thing to be considered was, that the public could not suffer materially in this case, for there was no money lodged in the hands of those men, and that it was impossible now to make use of the public cash. To prove that this was the case, Mr. Fox stated, that by the regulations of the new Act, all money drawn at the Pay-office from the Exchequer, went directly to the Bank, and the cashier of the Pay-office drew for it again as occasion offered, making his draft payable to the agent to whose service the specific sum drawn for was to be applied. That the cashier and accountant were responsible, greatly responsible to the paymaster-general, was indisputable; but they were not responsible to the public. The paymaster alone was responsible to them, and he was not more responsible for himself than for all under him. If the opposite side of the House meant to cast a censure on Mr. Burke, let them do it by vote, but by no means do it in calling for those papers, because it was impossible to argue the points separately; they could not wish to censure him without entering minutely into the guilt of the two unfortunate men, which would be totally unjust; therefore, in his opinion, the plain question that remained to be discussed was, Whether a man was not to blame in reinstating two men who lay under the odium of having been guilty of a breach of trust, before he had made any enquiry into the merits of their case? Certainly, that was the question that ought to be enquired into, but it was not the question before the House; the question was merely to discharge an order for the production of papers, which, if produced, could answer no good end, and must evidently tend to send the unhappy men to their trial in the most unfortunate manner. Mr. Fox applied a good deal of what he said to the argument of his hon. colleague, sir Cecil Wray; he took notice of that gentleman's talking of the black aspect of the conduct of Messrs. Powell and Bembridge, and observed, that if a man of so much candour was in that stage of the transaction betrayed into applying such sort of terms to what was as yet unascertained, what illiberality of treatment might not Messrs. Powell and Bembridge expect, if their conduct became a subject of more ample discussion? It was true, there was something extremely unpleasant in the appearance of the conduct of Messrs. Powell and Bembridge; but, at the same time, he was by no means satisfied that it was reprehensible to the extent supposed; and therefore he could not act as if their criminality were a matter proved. His worthy friend had not, indeed, studied prudence in reinstating the two men, because he must know it would raise a clamour; but as no person attempted to charge him with any bad motives, they must attribute it at the worst, to mistaken humanity, and a desire not to think persons guilty before they really were found so.

Mr. *Dundas* was against the motion; and contended, that it was impolitic to let men so accused be in the possession of books which would, in all probability, be great evidence against them. He endeavoured to shew, that all the disagreeableness of the business had been brought on Messrs. Powell and Bembridge by themselves, and the right hon. gentleman now at the head of the Pay-office. Had not the latter restored them to their places,

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pending a criminal prosecution, the present debate would not have occurred. He ridiculed Mr. Fox's idea, that a paymaster was alone responsible, and a sufficient security for the public. He said, he had lately been a public accountant, and responsible for five millions. Had that sum been deficient, did the right hon. gentleman think that he would by any means have answered for the five millions, or that his being there, and saying, "here I am, take me to prison, for I can't pay you," would have proved sufficiently satisfactory? He contended, that the cashier and accountant were both officers of considerable trust, and that it materially imported the public that they should be men of fair and unimpeached characters. He stated that colonel Barré had acted perfectly proper respecting Messrs. Powell and Bembridge. On receiving the Treasury minutes, he instantly suspended the parties, but he did not fill up their places. They were left open in order, that if they should be acquitted, they might go into them again. Mr. Burke, in his opinion, would have acted more wisely, and in a manner more friendly to Messrs. Powell and Bembridge, had he let them resign, as they requested, before the present debate came on.

Lord *North* was of opinion, that it was cruel in the highest degree to send men to trial prejudged by that House. It was absurd to suppose that they could use the books in their possession to any bad purpose, or make any material alterations without being found out.

Mr. *Kenyon* said, it was absurd to talk of cruelty in prejudging those two persons by calling for the papers; for you might as well say it was cruel to take up a highwayman previous to his trial, as it was some suspicion of his guilt. It was equally cruel to recal persons from India to be tried here, as it was likewise a suspicion, and he strongly contended that it was extremely wrong to continue those men in office until the trial was over, which would not be until next November. The public paid the cashier and accountant, and consequently to the public they were responsible. The minutes of the Treasury could not be made use of as evidence, and therefore the production of them could neither prejudice the public against Messrs. Powell and Bembridge, nor prejudge their cause. If a gentleman in private life had a strong suspicion of his steward's integrity, would he keep that steward in his place? According to the argument, therefore, that no man's conduct was to be discussed, who was about to go before a criminal court, it would be impossible to make any culprit, however flagrant, amenable to the laws of his country. No highwayman could be committed antecedent to trial, nor any other of the most common offenders be punished.

Lord *John Cavendish* was strongly in favour of the motion, upon the principle of humanity, as it was exceedingly cruel to institute an enquiry in that House, which could answer no other end than that of prejudicing a jury against the unfortunate men previous to their trial.

Mr. *Mansfield* was of the same opinion, and answered Mr. Kenyon respecting the taking up a highwayman; that he said was necessary, for he could not be tried otherways; the same held good respecting the recal of persons from India; but there was no necessity for proceeding on the papers in that House, for the two unfortunate men could be tried without them.

Mr. *T. Pitt* contended, that the minutes ought to be produced, in order to enable the House to judge whether Messrs. Powell and Bembridge were warrantably discharged by one paymaster, or on good grounds restored by another. If a private gentleman's steward had suspicions of a bailiff under him, and dismissed him, and the successor of that steward should replace the bailiff before the crime he was suspected of was examined into, would not the private gentleman, whose interest was affected and not that of the steward, proceed to enquire into the facts upon which the bailiff had been first of all dismissed his service? So the House, as representatives of the people, were bound to enquire why one paymaster had discharged a cashier and accountant, whom his successor had restored the day after he received his patent of office.

General *Conway* said, there was no danger whatever to the public from the restoration of the two gentlemen to their office. The public money passed from the Exchequer to the Bank, and from the Bank to the army agents; so that in fact it never reached the hands of the cashier; and as to the accounts made up by the accountant-general, they were the accounts of former paymasters, who might or might not employ them: the option was fully in themselves. He did not quite approve of Mr. Burke's having restored Messrs. Powell and Bembridge to their



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situations under the peculiar circumstances of their case; but as what he had heard in the debate had convinced him that their restoration could be productive of no mischievous consequences to the public, much of his doubts had been wiped away.

Mr. *Burke* observed, that as to the books, they had hitherto been considered as private property, and carried away from the office. The books of the Pay-office, when lord Chatham filled it, were now in the custody of his executors; and the books now in the possession of Mr. Powell, from which so much danger was apprehended, would have been equally in his custody, if he had been dismissed from office ten years ago; but he (Mr. Burke) had established a different regulation; and now the books were to remain in the Pay-office open to the inspection of the world.

Mr. *Pulteney* thought the minutes ought not to be produced, if the suspension of Messrs. Powell and Bembridge could be effected by any other means for the present; but he saw not how that could be brought about, and therefore should vote for enforcing the order.

Mr. *Pepper Arden* contended for the suspension of Messrs. Powell and Bembridge till their trial at law was over, and if they were then acquitted, they ought, by all means, to be re-instated in their situations. He said, that the cashier's place was worth 11,000*l.* a year; and that as receiver of all the office fees, he received 14,000*l.* at the settlement of one account only. These he urged as incontrovertible proofs that the office was an office of considerable trust and responsibility. A criminal prosecution had been advised by two attorneys and solicitors general, and therefore, notwithstanding the present paymaster had thought proper to restore the gentlemen to their situations, that House was bound to enquire what the nature of the suspicion alleged against them was. He talked of the bad example the refusal of the treasury minutes would have, and declared, it would lead people to imagine, that any criminal, however atrocious his offence, might be screened from justice by the strong hand of ministerial power.

Mr. *Sheridan* observed, that during the debate every speaker who had opposed the motion had said, they did not wish to prejudge Messrs. Powell and Bembridge, but to know which of the two paymasters had acted best, and to procure the suspension of the cashier and accountant for the present. It was not, he said, a little remarkable, that what they all disavowed, would infallibly be effected by producing the treasury minutes, while what they owned to be their objects, would as certainly not be attained. He illustrated this observation, by proving, that the production of the treasury minutes would necessarily bring on a discussion of the nature of the suspicion said to exist against Messrs. Powell and Bembridge, which could not fail to pollute the stream of justice. He also shewed, that it could not answer the ends avowed to be the objects aimed at. With regard to Mr. Arden's declaration, that if the minutes were denied, the world would think ministers meant to screen every culprit from justice, it was a little extraordinary, that such an idea should be thrown out on the present occasion, when the only part government appeared in was, that of a prosecutor, which he believed the candour of the House would admit was not the part to act, when it was the design to screen a criminal from justice.

The *Solicitor General* declared he never would, while he held his office, pursue sinister arts to obtain evidence; but the House might rest assured, every honourable means of carrying on the prosecution in the present case should be exerted, and that it was meant to be most seriously conducted. He hoped there was not a suspicion to the contrary; but as the best security to the public, he thus, in the face of the Commons of England, invited the late attorney and solicitor general to assist him in the conduct of it. Mr. Lee said, if conviction should happen to follow, he should advise his right hon. friend, the present paymaster general, instantly to discharge his cashier and accountant.

Colonel *Barré* supported the original order. He averred, that the cashier and accountant were officers of public trust and responsibility. He contended that they were; and said, the late regulating Bill took the responsibility from the paymaster, but left that of the cashier and accountant as it had always stood.

The House divided on the motion, That the order be discharged;

Tellers,

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|---|---|---|
| YEAS | Lord G. A. H. Cavendish<br>Mr. Sheridan - - - - | 161 |
| NOES | Lord Mahon - - - -<br>Mr. Rolle - - - - - | 137 |

So it was resolved in the affirmative.

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May 21. Mr. *Rolle* seeing the Paymaster-general take his seat, requested he would inform the House, whether he still persevered in his intention to keep Messrs. Powell and Bembridge in office; adding, that by the answer, he should be determined either to make or suppress a motion he had in contemplation for Monday next.

General *Smith* hoped, that no debate would then take place, that might interfere with the business relative to India affairs, which stood for that day, and which was of a nature not to brook delay.

Mr. *Burke* said, he was not a little embarrassed how to answer the hon. gentleman's question. However, since he had called upon him, he would endeavour so to explain himself to the House, as to give them satisfaction. He was sorry that any thing relative to him should prevent his hon. friend from bringing on the business relative to India, which he knew to be of a very important nature; the delay, however, was not imputable to him, but to the hon. gentleman who had brought him once more upon the scene, to walk in procession before the House. He did not know, whether the hon. member intended to honour him by making him walk first; for in some processions the place of honour was to walk first; in others, it was to walk last. The hon. member had put him *sur la broche*, and, no doubt, as a *bon rotisseur* he would not give him a single turn more than he should find necessary; if he must be roasted, he should like to have the work neatly performed, least, as it was said of the savages of certain parts of America, who roasted their prisoners, he should be obliged, after he was put upon the spit, to cry out to his *rotisseur*, "you are a bungling fellow, you don't know how to roast a man." He presumed he did not intend to do him the honour, to make of him the principal dish for the day, but merely to serve him up as an *entremet*. Having travelled for a while in the region of allegory, he spoke seriously to the question that had been put to him. He took God to witness, that in restoring Mr. Powell and Mr. Bembridge to their places in his office, he was actuated solely by motives of justice; before he took that step, he had weighed all the consequences of it; and had passed many sleepless nights; but his fears were not, that he should bring himself to restore these gentlemen, but that he should not; so fully was he convinced, that in conscience he was bound to do it: he brought it at last to this consideration:—what would be the consequence to these unfortunate gentlemen, if they should not be restored? What to himself if they should? The question being once stated in this point of view, he did not hesitate a moment to sacrifice his fears to the dictates of his conscience: the restoration followed of course; and in his opinion it was strictly founded in justice. He was not, however, wedded to his opinion; and he was ready to give way when so great a number of members of that House as 137 had, in some measure, appeared to censure his conduct; and the more so, as in that number he had seen some of his most respected friends; and who, he was convinced, would rather have voted with him than against him, if they did not think that he had been in the wrong. To the opinion of that House he would ever bow; nor did he wish to take the sense of it by a division; it would be sufficient for him, if a few of the most leading members would give it as their opinion that the unfortunate gentlemen in question ought not to be kept any longer in their offices. To collect the sense of the House, it was therefore necessary for him to enter largely on the business, that his conduct might be fairly open to parliament, as it was intentionally upright in his own breast. He thought, indeed, that Monday had decided the matter, until a jury had acquitted or condemned the two clerks; but as he was mistaken in that supposition, he would again cheerfully submit his conduct to the House; and as they were disposed to think, so should he consider himself bound to act; he assured parliament, that he had not spoken to one friend on this occasion. He did not solicit so much as the assistance of a single vote to support him, nor did he mean that this much-misrepresented transaction should stand on any other ground than its own good and innocent intention. It was now to stand the test of a second trial, and abide by a second judgment. He again repeated to the House, that their directions should implicitly be followed, be their sense of the business what it might; and as he was judged by them in regard to the past, so would he be decided by the same tribunal in the future. The oblique censure which the hon. gentleman's questions cast upon him did not a little affect him. He wished to stand in estimation with the House—in estimation with the public; his whole life had been devoted to their service, and



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to forfeit their esteem would be his greatest misfortune. Yea or no were short monosyllables to decide so great a question as that which affected his honour in a most intricate business; nor could he give the negative or the affirmative to the hon. gentleman until the causes and effects were fully discussed. A very respectable minority had, it was true, thought his conduct censurable; but a majority equally respectable in character, and more decisive by numbers, had given him an opportunity to assert, that by the collective sense of the House, he was not censurable. In that minority there were many of his personal friends, men with whom he held intimate acquaintance. They were entitled to every explanation in his power to give them, on a subject where they had given their judgment without investigating the facts, and censured persons by a determination on what might be called *incognita causa*. Minorities, it was true, of late, had been held respectable; and men plumed themselves on being in the smaller number, and having the sense of parliament against their conduct only by a small majority. This they considered not as censure, but talked of it rather as an honourable mode of retreating from office, than as the sense of the people, that they were no longer worthy a continuance of his Majesty's favour. But he held the opinion of the House of Commons in a different point of view, and should always look up to the majority as the tribunal by which his honour was to be condemned or acquitted. These were the regulating principles of his heart and his judgment; and to the sense of the House he should own passive obedience. With these sentiments, his conscience was so enlightened, that he should consider the censure of the House as one of the greatest external misfortunes upon earth; a medicine of the most nauseous kind. Public displeasure was, indeed, a bitter draught.

He then entered into a justification of his own conduct from his earliest days, the motives that influenced his conduct ever since he began the world; and said, that it was always his maxim to justify the order of Providence, and the disposition of the King. He talked of punishing a person antecedent to trial, as a measure that ought to be reprobated, and as one of those acts of cruelty that were unjustifiable in a land of freedom. When he came into office, when his Majesty was graciously pleased to give him the power of putting into practice, that which he had stated in theory, he had it in view to be lenient—to be mild, and to look to the future, more than to that which was past. He foresaw the dangers, the difficulties, of scrutinizing the conduct of men in office, and bringing to trial those against whom there were many public complaints. Clerks in the Treasury were always odious to the vulgar idea, because it was generally understood that they could not there act honestly, or without peculation, and the public were at all times ready to punish them. The right hon. gentleman then adverted to the motives which induced him to take up the great plan of reform, and in particular to abolish the subordinate treasuries. He read an extract from his pamphlet in respect to that department, and was proceeding more largely into the discussion, and making some pointed remarks on party spirit in the present business, when he was called to order by

Mr. *Rolle*, who defended himself from all idea of that being the motive which induced him to take up that which he stood pledged to do in the present affair; he at the same time could not help observing, that the right hon. gentleman varied very much from the point in question, and was going into a matter that was not at all applicable to what was under consideration.

Mr. *Dempster* thought, as a question had been put to the right hon. gentleman, he ought to have the liberty to state his reasons to the House either for giving or not giving his answer.

Mr. *Fox* observed, there was not any motion before the House, and consequently nothing more orderly under consideration. His right hon. friend had been asked a question, and surely he was as justifiable in entering into his reasons, for giving or not giving a direct answer, as the hon. proposer was regular in asking that question without a motion. Besides, it was very probable that his right hon. friend might end his observations with moving the House on the very subject now in conversation: he therefore thought him perfectly orderly.

Mr. *Burke* said, the hon. gentleman, although not conversant in the business, was yet desirous to have it brought forward: but as explanations were not what he aimed at, he wished to have all justification laid aside. It was criminality the



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hon. gentleman looked for—not exculpation. The principles of the plan of reform had hurt some men sorely, and several of them had lost that which they might never again possess. He knew he had made himself many enemies by that great Bill of retrenchment; but he was prepared to meet them, as what he did was for the public good. He had not, in his ideas of retrenchment, any other view; he had no guilt to palliate; no errors to excuse. He moved the Address to his Majesty for the reform. His Majesty condescended, graciously condescended, to comply with the request of his parliament; and as he before observed, he had the honour to be put in that situation of office which enabled him to justify his theory by practice. The right hon. gentleman, after some farther observations, took a view of part of the administration of lord Chatham in respect to the Treasury, and stated the situation of the balances in the paymaster's disposal at that time. From thence he came to the balances when he came into office, and drew a picture of the Treasury, which he said exhibited the tears of ruin and the cries of despair. He mentioned, in pathetic terms, the death of the late marquis of Rockingham, who he said was gone to a better place; and then he adverted again to his own situation, and was proceeding, when

Mr. *Rolle* again called him to order, and was again replied to by

Mr. *Fox*, who insisted on the right which his friend had to be fully heard.

Mr. *W. Pitt* thought, as the question was a single one, it could be easily answered; and as the order of the day stood for a very important matter of public business, he wished gentlemen would shorten the conversation, and come to the point.

The *Speaker* said, he had often repeated, and wished to impress it on the mind of the House, that conversations were disorderly; but any member had in his opinion, a right to put a question to a minister, or person in office, and that person had a right to answer, or not to answer, as he thought proper; and, if he pleased, to explain and enter into a justification of his conduct, and give his reasons before he gave his answer to the question. This put an end to Mr. Rolle's farther calling to order, and

Mr. *Burke* proceeded, as he said, it was necessary for him to shew, and to convince the House, that it was not upon slight grounds he had restored them; and that no injury could possibly arise to the public from their restoration. When he was first appointed paymaster-general, he went into office with the most fixed resolution to introduce into it every reform that he should find necessary and practicable; but he was like to those, who, thrown upon an unknown coast, sent out persons—"*locos explorare novos, qui teneant hominesne feræne.*" Mr. Powell and Mr. Bembridge were his most faithful assistants; and notwithstanding the sanguine hopes he entertained of the power of reducing to practice the reforms he had projected in theory, he took heaven to witness, that had it not been for the assiduity, fidelity, and industry, of these two gentlemen, he never could have been able to introduce the reforms which, he thanked God, he now saw established. An hon. member (governor Johnstone) had, on a former occasion, said that theory and practice were two very different things; and what appeared most fine and specious in the one, could never be reduced, at least not without incredible difficulty, to the other. The truth of this observation he had felt in the Pay-office; and if he could claim any right to public gratitude for the savings he had made there, he declared he was in conscience bound to share it with these two unfortunate gentlemen, whose zeal, knowledge of office, activity and assiduity had removed difficulties, which he must otherwise have found insurmountable. In order to shew what merit Messrs. Powell and Bembridge had with the public, in rendering his theory practicable, he stated the balances which formerly lay in the paymaster's hands; they amounted *communibus annis*, for the last 20 years, to 600,000*l.*; and in some years they were as high as 1,100,000*l.*; these sums, thus lying in the paymaster's hands, brought no superlucration to the public; and yet at 4*l.* per cent. were worth 24,000*l.* per annum; this was formerly the avowed perquisite of the paymaster; so that with the salary, the place used to be worth 27,061*l.*; here was of course a saving of 24,000*l.* a year to the public: to this he added some other very large sums, which formerly brought no superlucration to the public; but which at present, from the reform in the Pay-office, effected a saving to the Exchequer of 23,000*l.* a year; so that the whole saving which already ac-

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crued to the public, from his plan of reform in the Pay-office, amounted annually to 47,000*l.* He praised their conduct as men of business and religious integrity; said he ever found them just in their accounts, and attentive and indefatigable in their duty; that whatever merit he could claim in this reform, he must divide it equally with them: and that when he went out of office, he knew no men into whose hands he could so safely trust the remaining balances that were in the Treasury; and on his return to office, as he saw no account of ill conduct against them, no document to prove that they had erred, he certainly considered himself as justified in restoring them to their places. The Pay-office was formerly a very fattening place, into which many a poor man had got, who came out very rich:—men who were weasels when they crept and twisted themselves at entering, but who soon grew so fat, plump, and jolly there, that it was a difficult matter to get them out again. To himself he could answer that the allusion was not applicable, for he was still as lean as when he went in, and his determination was to destroy all that steam of fattening in future, which had too long been the custom hitherto. An hon. gentleman had, on a former day, mentioned Cæsar's wife, but he knew not what was meant, as he had no acquaintance with that lady. He thought, and still maintained the thought, that the two clerks had been rashly removed; and this much he would say, that they were to him useful men, and without whom he could not have done the business. Mr. Bembridge at least was in that situation: his business was a heavy task; he had to make up the accounts of every troop of horse, and every company of foot, the staff officers, garrisons, remittances, extraordinaries, and to attend to the memorials, and the official correspondents, exclusive of making up the paymaster's accounts. This was a business not within the compass of every man's abilities; and to perform which he was not able to discover any person in the office capable. As to Mr. Powell, it was impossible that either he or any other cashier could, as matters now stood, peculate the public money, nor, except by forgery, have a shilling from the Bank that was not *bonâ fide* wanting for the immediate calls of real debts. The assertions made, that the business could be done without these clerks, or men of equal abilities, were mere assertions; and must be made by men unacquainted with the nature of, and totally unversed in the accounts of the Pay-office. It put him in mind of an arrogant lover who had a disposition to matrimony, and who entered into the conjugal state. The next morning after his bridal night, being asked by an intimate friend, "how often?" he replied "about fifty." Then I am certain," says the other, "there was none." The office and the connubial situation were in those respects similar, much duty to be performed, and much strength required. He produced a letter from the inferior clerks, stating their inability to get through the business of the office, unless Messrs. Powell and Bembridge were restored, or some other persons appointed to their places, which letter he gave as another reason for his having restored them. The labour of the office he stated to be very great indeed, from eight in the morning until midnight, and therefore they dearly earned their salary. There were two ways, he said, before him, when he came into office last, either to restore the old or to take new clerks. The old to him were preferable, inasmuch as they must be much more useful to him than the new; and as they were so well acquainted with his plan of reform. And as there was not one of the inferior clerks on whose fidelity, care and accuracy, he could depend, he thought it most prudent for himself, and better for the public, that they should be restored. It was not to their pecuniary honesty, even was that suspected, that he looked; it was to their relieving him in his weight of business. But as he had never discovered any degree of guilt in their conduct, he was still more induced to have the assistance of the ability he had tried. He described Mr. Powell as a man as responsible as any in the kingdom, but so effectually unhinged by what had lately happened, that he had lost the power of his former functions, and was of very little use in the office, unless with a pen in his hand. He said, he was extremely nervous, and so exceedingly affected by some recent circumstances, that if he put a question to him for information, he could give no rational answer, but was thrown into an agony. In keeping him in his situation, therefore, he could have no view, but a sense of justice, and a conviction, that he ought to protect a man so situated, and not by dismissing him, send him to his trial with a superadded colour of criminality upon him.

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He declared, he had passed several sleepless nights, in considering how he ought to act; that his fear was not, whether he should keep him in his office, but that he should not. The suggestion against him and Mr. Bembridge, he said, had acted upon his mind like the suggestion stated by Shakespeare,—

"Whose horrid image did unfix his hair,
And made his seated heart knock at his ribs
Against the use of nature?"

After much deliberation, and deep thought, he was convinced he had done right; if, however, his opinion misled him, and he had erred, he awaited the judgment of the House; he held it his duty to act for them; he had made an effectual reform; with their leave he would still go on, and extend that reform farther; but if they so far differed in sentiment, he had only to say, 'nunc dimittis servum tuum.' On these grounds he put himself upon God and his country, that he had acted for the best, and that he had done what appeared to him most conducive to the public good. He reminded the House, that the severity of all reform being odious and disagreeable to his nature, he never should have undertaken it at all, but on the faith of parliament, that the modification should be admitted with the measure. He had succeeded in his reform by winning the affections of his subordinates; and instead of hunting them for long-practised abuses, he had met them at Mr. Rigby's hospitable table in mutual kindness, and in joy and festivity, and there formed a connection with them, which enabled him to do such essential service to the public. He considered that connection as obliging him to tenderness and affection towards them; nor did he fear that malevolence could imply any wrong motive to those duties which men owe to each other, by being placed in the same office by God and their king. What was stated were all facts, and the conclusion inevitable. In point of fortune, Mr. Powell was a man sufficiently responsible for any sum of money, even if his trust had been pecuniary. The criminality against both was such as admitted much controversy, and would be controverted in a court of justice. That their guilt had been surmised from a kind of confession drawn from them, which, though it had induced the late paymaster to dismiss them, did not, as the minds of men are differently affected by the same circumstances, justify him in prejudicing the public service by refusing to employ men, of whose capacity, fidelity, and diligence, he had the greatest experience; and who had the approbation of all the great persons who filled this office for many, many years. He shewed that official men, able enough in their department, but living always in habits of dependence, and much secluded from the world, were so timid and helpless, that he was sure the interrogatories of a superior might frighten any of them into a confession of any crime whatever. He said, he could not reconcile to his conscience to send men, in many respects so meritorious, after so many years service, whatever their faults might be, to a trial, already pre-condemned and ruined, one of them in fortune, and both in character. Such were the circumstances of their restoration. To the authority of parliament he was forced to submit. He had still great matters of reformation to propose to parliament; he would do it, if the House did not refuse to let him exercise that lenity in the execution of them, which alone could prevent reformation from becoming prosecution; if otherwise, he should drop them. The case of the two unfortunate gentlemen he left to the humanity and justice of the House.

Mr. *Rolle* said, he was not satisfied with what the right hon. gentleman had said, and that he should name a day to move the House on the business.

Mr. *Burke* begged pardon for not stating that Mr. Powell had resigned at his own request, and that Mr. Bembridge had offered to do so likewise; but on this he trusted the House would not insist; however, he would take the sense of the members, by what might fall from two or three leading men, and not by division.

Mr. *Rolle* thought that Mr. Bembridge should go out as well as Mr. Powell.

Mr. *Pitt* wished to have the sense of the House collected, and deemed the continuance of Mr. Bembridge, under the present circumstances, as incompatible with the public interest.

Mr. *Fox* thought, after what had fallen from his right hon. friend on the business of reform, and after the clear manner in which every matter was stated, that it was a hard case, prior to trial, to censure a man by turning him out of office. But as so respectable a number as those who composed the minority, thought Mr. Bembridge should be dismissed, he wished his right hon. friend to accept the resignation.

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Mr. *Rigby* entered into a defence of the two officers, and thought it hard the House should censure them prior to trial, and throw out hints that might bias the jury that was to try them, some of whom might, at that moment, be in the gallery. He said, that having for thirteen years been a witness of the conduct of Messrs. Powell and Bembridge, and those gentlemen having, in all that time, conducted themselves entirely to his satisfaction, the House might possibly have thought something ought to be said by him on the present subject; and, indeed, he should have laid claim to their attention to an argument or two, to shew the great impropriety of having those minutes of the Treasury laid before them, that had been called for, if a right hon. gentleman, in high office, had not so fully and so completely, in his mind, stated that impropriety. He agreed with some learned gentlemen, who had said, that the justice of the House ought to be the first thing considered with respect to the case then before them; but, he said, what had been a matter of justice then, was now a matter of humanity; every gentleman must feel, that the less that was said in that House respecting Messrs. Powell and Bembridge, the more humanely they would act; and that to offer any farther motion upon the subject, would be the height of inhumanity, after what had passed. Mr. Rigby acknowledged, that Mr. Burke's description of the duties of the accountant had been accurate and precise; and said, that the burthen of the office lay upon him; but that neither the cashier nor accountant, regulated as the office now was, could do the public the smallest injustice, with regard to peculation or meddling with money, unless, as the right hon. gentleman had said, they went the length of forgery, and that crime, even if they were disposed to hazard it, could scarcely be perpetrated with effect. Having said this, he submitted it to the consideration of the House, whether they might not, with convenience to the business of the office, and without the smallest danger to the public, allow Mr. Bembridge to continue to exercise the functions of accountant. He urged the great injustice the House would have been guilty of, had they ordered the minutes of the Treasury to be laid before them. Had they done so, he contended that they ought to have called Messrs. Powell and Bembridge, to have heard what they had to say against those minutes. He knew, he said, what their case was, and its criminality depended altogether *quo animo* it had been committed. He observed also, that Mr. Powell stood charged with having acted wrong, not in his character as cashier, but in his character of executor to the late lord Holland.

Mr. *Pepper Arden* objected to the suffering Mr. Bembridge to continue to act as accountant. He hoped what the House had now done, would become a precedent, and that it would hereafter follow of course, when any responsible public officer was proceeded against legally for a breach of trust, let private opinion of his innocence be what it might, that he should stand suspended from his public employ, till the matter of criminality charged against him was decided by a jury. Mr. Arden stated the charge against Mr. Bembridge to be, that he had suffered certain interpolations and insertions to be made in accounts delivered in to the auditor, and concealed certain matters which he knew of, and which it was his duty to discover, affecting the public to a very considerable amount.

Governor *Johnstone* declared, he had the fullest conviction of Mr. Burke's possessing as much humanity as he laid claim to; but that he would once repeat what he had before said, namely, that his humanity frequently ran away with him, and rendered him unfit to act with that decision and firmness on great and important occasions, which a consummate statesman ought to have at command. The right hon. gentleman, he said, had great sensibility and many virtues; he could not, nevertheless, regard him other than as a frail member of the community, and that for the reason he had stated. The right hon. gentleman talked of his finding fault with his conduct. Certainly they were not in habits of political friendship. It was impossible that they should be so; and he would tell the right hon. gentleman when they ceased to continue in such habits. On an occasion the most malignant that human depravity could exercise its basest inveteracy upon; when a motion was made to withhold the government of Greenwich Hospital from a brave sea officer (sir Hugh Palliser), who had been wounded in the service of his country, and who had spent many years in that service with the greatest honour, but who happening, by one political act, to displease a party, had been not only proscrib-

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ed by that party, but persecuted with the most unremitting vengeance.

Mr. *W. Pitt* spoke to order, and said, if the hon. gentleman would give him leave, he would advise him to postpone going into subjects that could not have the least relation to the recent conversation, which of itself had been extremely disorderly, but which had been allowed and submitted to, because it had been thought necessary.

Governor *Johnstone* said, whenever he was attacked by any gentleman, either directly or indirectly, he would always reply in his own defence, and if the House listened to the one, they ought in justice to hear the other; but he was far from desiring, at any time, to persist in defending himself against their sense and inclination.

Mr. *Burke* desired to understand, what his conduct was to be with respect to Messrs. Powell and Bembridge. He was, he conceived, to accept their resignations in compliance with the opinion of the House, and was not to be responsible for the consequences.

Mr. *Powys* was of the opinion, that it was improper to pre-judge; but he wished it to be held as an established principle, that no person under prosecution should, during that prosecution, hold any office of trust.

Mr. *Rolle* was satisfied, and said, that the accepted resignation of the two officers would make his motion unnecessary.

June 2. Mr. *Rolle* desired to be informed by the paymaster-general, whether Mr. Bembridge was yet suspended or not. He had asked this question of the right hon. gentleman personally, but had not received a satisfactory answer.

Mr. *Burke* thought the hon. member had no occasion to call for any such information, the subject having been already sufficiently discussed; the sense of the House had been collected, and the paymaster must of course have been directed by what he conceived to have been the sense of the House.

Mr. *Rolle* said, he was not satisfied with this answer, or rather evasion; and therefore he insisted on having a direct answer.

Mr. *Baker* was of opinion that though a member might ask a minister a question, still, when he asked it in such a peremptory manner, he was not entitled to any answer.

Mr. *Rolle* still insisted upon an answer.

Mr. *W. Pitt* thought, that whatever might be the right of one member to ask a question, or of another to give an answer to it, still, if a simple yes or no would satisfy a member, he saw no reason why there should be any objection to saying either the one or the other.

Mr. *Burke* said, he had very strong objections to the discussion of the question in any shape; his feelings were unfortunately too deeply interested in it; it appeared, however, that the feelings of some other members were of so very different a texture, that they could debate upon a subject without emotion, that would harrow up the souls of other men.*

Mr. *Rolle* still persevered in his intention to discuss the business; and as the right hon. paymaster did not think proper to give him an answer, he gave notice that on Thursday he would make a motion on the subject.

Mr. *Rigby* undertook to inform the hon. member, that Mr. Bembridge was actually suspended. He thought it improper to bring the business, in which that gentleman was concerned, before the House, as proceedings had been instituted against him in the courts below. Was that a situation, under which questions ought to be daily started to bring the conduct of the person so standing into discussion in parliament? Was it regular, was it candid, was it just? Did gentlemen recollect who heard them? And would any one take upon him to say, that if there was any person present, who should hereafter be upon Mr. Bembridge's jury, that person would not go prejudiced into court, if Mr. Bembridge's conduct was that day or any future day made the subject of discussion in his hearing? Having put this argument home to the House, Mr. Rigby said, he must deny the doctrine which he saw gaining ground, and which had lately received countenance from the chair. He could not allow that it was parliamentary for any individual member to put a question to another, whether a minister or not, and insist on an answer. Though he had heard that practice supported from the chair, he must declare it unparliamentary. He meant no disrespect to the chair, when he said this. He had a real respect for the person of the Speaker, and if he had not, he would disdain to pretend any; but if the practice prevailed, what

* Mr. Powell had since the matter was last agitated put an end to his existence.

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would be the consequence? Their time would be taken up with asking questions of each other, and instead of the great national business going on, the best part of the session would be spent in questions and answers. No man had a right to insist on an answer to any question he chose to put. In many cases ministers would act imprudently if they gave any answer. In some cases it might be right for ministers to give the satisfaction required of them; but it was a matter for their discretion to exercise itself upon, whether they ought to answer or not. For his part, were he a minister, or in the office he formerly held, he certainly would answer every question put to him, that it was prudent to reply to, but undoubtedly he never would answer any question put to him peremptorily, or in a manner that implied a suspicion of his official conduct. In the present case, he would assure the hon. gentleman who put the question, that Mr. Bembridge was actually discharged, or rather suspended; which, he supposed, was as much as the hon. gentleman expected.

The *Speaker* thanked the right hon. member for having stated in what he thought his conduct not strictly right; because, by so doing, he had afforded him an opportunity of explaining the matter, and clearing up the mistake into which the right hon. gentleman had fallen. The Speaker then reminded the House of the particular debate, in which the chair had been appealed to, upon a question having been put to the right hon. gentleman in office (Mr. Burke). He reminded the House also, that the doctrine he had laid down, went no farther than that when an honourable member put a question to a minister, the minister ought to be heard in reply, or in assigning his reasons why he chose to decline giving any direct answer. Such a deviation from the strictness of the general rule of order, had been at all times allowed, as a means of obtaining the House material information, which might (as it had in many instances) throw a light upon the business before them, and serve to guide their judgment as to their future proceedings. This deviation from the general rule, however, ought to be adopted with great care, sobriety, and prudence, because otherwise it might put the House out of temper, and prove a source of much inconvenience.

Mr. *Rolle* declared, that what the right hon. gentleman had said, had perfectly satisfied him, and that since Mr. Bembridge was discharged, his purpose was fully answered.*

*Custom House Reform Bill.*] May 21. On the order of the day for the second reading of this Bill,

Mr. *Daubeney* moved, that it be deferred for three months. The Bill in his mind instead of producing economy would be productive of expense.

Mr. *Gascoyne*, junr. objected to the principle of the Bill. He insisted that it was cruel to take away the places of the deputies to patent offices, as they were by no means sinecure places; and there were many other circumstances to which he could not bring himself to agree, as they militated strongly both against justice and generosity. He described the Bill as liable to many objections, as well with regard to its principle, as to the various clauses it contained. If it passed as it stood, a severe injury would be done to a body of men, against whom no crime had been proved. He meant the deputies to the holders of patents places, many of whom were not appointed by the patentees, but all of whom, without a colour of reason, or a pretext of justice, would be deprived of their livelihood, and have to seek to earn their bread, by means which they were yet to learn. If the Bill should be suffered to go to a committee, he hoped he should be permitted to introduce a clause to cure this alarming defect. It appeared to him to be a Bill which would tend in a great degree to diminish the influence of the crown; the question naturally, therefore, would result, whether the House thought that the influence of the crown ought to be more diminished than it was, or not? That question, however, he would not then enlarge upon, but content himself with seconding the amendment.

Mr. *Minchin* insisted that the Bill would, so far from acting as an economical Bill, be quite the reverse; for the compensation that must be given to those persons, whose places would be taken away, would be a fresh means of burthening the subject with new taxes.

* On the 18th of July, Mr. Bembridge was tried on an information filed against him in the court of King's-bench, for conniving at a concealment of 48,709*l.* 10*s.* and found guilty. On the 22nd of November he was brought up for judgment, and sentenced to pay a fine of 2,600*l.* and be confined in the King's-bench for six months.

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Mr. *Ambler* said, that the proposition of abolishing certain patent offices and making the patentees a compensation, was not only putting the public to a very considerable and unnecessary expense, but the very worst way that could be taken, to effect a reform, if a reform in that particular were necessary. The obvious mode of abolishing patent places, would have been the way that had been adopted in the preceding bill of reform, namely, enacting that the present holders of them should continue to possess them while they lived, but that after their deaths no more patents should be granted. By the present Bill, the influence, power, and revenue, of the commissioners of customs would be very greatly increased; a circumstance by no means to be desired.

Mr. *Holdsworth* thought the Bill necessary, as the present enormous fees paid by merchants rendered it very expensive to expedite business.

Mr. *W. Pitt* trusted, that gentlemen would allow his motives for bringing in the Bill were just, and that the principle of the Bill was good, however objectionable some of the clauses might be; therefore the fairest way would be to let it go to a committee, and then the clauses would be fairly argued, and such alterations as might be thought necessary would be made. He was certain that the Bill was not perfect, and therefore he should be happy in every assistance gentlemen would give him. The fees taken at the Custom-house were enormous, burthensome to trade, and served in a great measure as covers for corruption. The compensation to be made to persons whose offices would be taken away, must certainly add to the present burthens of the subject; yet gentlemen ought to consider whether it would not be better to have a temporary burthen, than a continuance of the present enormous practice. He desired to know, if any man would be hardy enough to declare, that persons holding patent places ought not to do the duty of those places, or give up their patents? Or would any man say, if it were true that exorbitant fees were taken, and many of them arbitrarily settled, that such fees ought not to be abolished? One gentleman had advised that the patents now in existence, should continue to be held by their present possessors till their deaths, and that after that time, no more patents should be granted. Even that was, in his opinion, though it fell far short of his idea, a proposition to be desired; and if he could obtain no more, he should be glad to get so much reform. He declared, that the clause giving the commissioners of the customs an increase of influence and of revenue, was an oversight, and would be corrected in the committee. It had been said that the Bill would diminish the influence of the crown, and that had been stated as a complaint. It was a little novel to hear such a matter objected to; but he had heard the Bill elsewhere objected to for a very opposite reason; it had been without doors said it would tend to increase the influence of the crown. If he was to give his opinion, he should rather think it would; but he did not see that as an objection, because, though it increased the influence of the crown on the one hand, it diminished it on the other, and the latter ought to be balanced against the former; even if it preponderated in favour of the increase, it was that sort of increase that appeared to him to be least dangerous, and least likely to corrupt, as it went among the mass of the people, and not among the representatives. Mr. Pitt pressed the House to let the Bill go to a committee, declaring that if when it came out of the committee, it was thought adviseable to postpone it till next session, he should have no objection.

The *Lord Mayor* (Mr. Newnham) said, he was confident that the Bill would by no means be an economical reform, for it would occasion a heavy and severe tax; and in a large circle of merchants with whom he had conversed upon the subject, he found only one that made any complaint of the present fees being enormous. The fees that were given were in consideration of the clerks expediting the merchants' business, which it would be impossible for the merchants to do without them; therefore, as the clerks at the customs attended extra hours to do that business, it was extremely right they should be paid for so doing. He thought the Bill would increase the influence of the crown. As a proof that a severe burthen would be laid on the people, he said, the land-tax, by the reform as it was called, would be diminished 7,500*l.* in the ward where the Custom-house stood, and the compensation to be made to the persons dismissed would amount to an enormous sum; for, to his knowledge, the purchase and satisfaction to be made for one patent place, was no less than 82,000*l.* The removal of other public offices had occasioned a deficiency

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in the city receipt of the land-tax of 3,000*l.* a year.

Sir *E. Astley* was of opinion, that the enormous patent and sinecure places ought to be reduced, and every reform possible made to extricate the country from the heavy burthens it laboured under; but he had made an observation, that whenever a proposition for reform came from one side of the House, the other side, merely from party spirit, was sure to oppose it, which was one great reason why no reform whatever took place; indeed, he always took notice, that there was a vast difference between the conduct of gentlemen, when in and out of office, relative to reform. He said, that the heir apparent, when he came to the crown, would have nothing to give away, there were so many patent places already given away in reversion, and so many more would be so given away, if the present Bill, or something like it, did not pass.

Mr. Secretary *Fox* was of opinion, the Bill, by all means, should go to a committee; for no person, unless he totally objected to the principle, could, with any propriety, reject it, on account of some of the clauses being bad, which, beyond a doubt, might be fairly canvassed and altered in a committee. He argued, that every reform possible should be made; and it appeared to him that some was necessary in the Custom-house; yet, if in the committee good and substantial grounds were given that a much better Bill might be formed, he dared to say, the right hon. gentleman would, on account of the lateness of the session, agree to postpone the business until the next session, when it might be brought on in a much better form. As to the influence of the crown, the right hon. gentleman had reasoned very fairly. The Bill tended to diminish it in some instances, to increase it in others. With respect to patent places, he must own, that of all other species of influence the crown possessed he approved of that the most, because he believed it to be a sort of influence the least productive of bad consequences: men who possessed patents for life generally feeling themselves as independent, and as little under influence as any men whatever. With respect to what fell from the hon. baronet, he by no means thought the remark just with respect to himself, or the friends with whom he acted; for the reform that his hon. friend (Mr. Burke) had so ably proposed whilst out of office, he had instantly put in force when he came in; and he defied any person to prove, that there was one promise of reform that he or his friends had proposed whilst out of office, which they had gone from since they came in; if there was, let it be mentioned, and they would instantly set about it.

Sir *E. Astley* said, he did not particularly accuse the right hon. Secretary, but he perfectly well remembered that the Reform Bill mentioned by Mr. Burke, whilst out of office, contained the abolition of a sinecure place, the duchy of Lancaster; but no sooner did that administration come in, than Mr. Dunning, now lord Ashburton, was appointed to the place, and the same set of gentlemen were very clamorous, and he thought with much justice, against the noble lord in the blue ribbon, for granting pensions to lord Loughborough, Mr. Robinson, &c.; yet, instantly on coming into office, they granted a pension to a person (col. Barré) who now was, but was not at that time, a fit object for one. Sir Edward declared he had a great respect for several now in administration; he had often voted with the right hon. Secretary; he thought his former administration had done the country much service, and he declared he should have been glad of continuing to support him had he not coupled himself with others, whom he could by no means approve.

Mr. *Fox* replied, that the history of those pensions was pretty well known, and the fountain from which they sprung. He insisted upon it, that if that administration, of which he composed a part, were to blame, it was for their slackness in not bringing forward in three months every reform that was possible; but, slack as they had been, they had made a greater reform in that short time than all the administrations put together, which had existed for many years.

Mr. *Marsham* confessed, that he thought the Bill not a good one, yet it was right it should go to a committee and be fairly discussed. He paid many compliments to Mr. Fox and his friend, on their former administration, and said, he thought they were praise-worthy for many things they did whilst in office; and, perhaps, their greatest fault was being too delicate on the subjects of which the hon. baronet had complained.

Mr. Daubeny withdrew his motion, and the Bill was read a second time.



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May 30. Mr. *W. Pitt* informed the House, that as he understood many gentlemen entertained objections to the Bill for abolishing certain patent and other offices in the customs, and as the session was so very far advanced, he was willing to drop the Bill for the present year; but as the principle of the Bill seemed to have been honoured with the approbation of the House, he intended to make a motion that should prevent any measures from being taken during the recess, that should clog the discussion of the Bill next year, and render its operation more difficult and burthensome to the public. He concluded by moving, that the order for going into a committee on the Bill be discharged, and that another be made for adjourning the farther consideration of it for three months. This motion having been carried, he moved the following Resolution: "That it is the opinion of this House, that his Majesty's ministers ought not to grant, or advise the granting of any patent offices in the customs, in possession or reversion of, otherwise than during pleasure, between this time and the meeting of the next session of parliament."

Mr. *Fox* had not the least objection to the resolution; he rose therefore only to say, that if he suffered the motion to pass without any opposition, his acquiescence should not be interpreted into an approbation of the principle of the Bill, or disapprobation of the mode of giving places by patent.

The Resolution was then agreed to.

*Debate on the Budget.*] May 26. The House being in a Committee of Ways and Means,

Lord *John Cavendish* rose to open the Budget. He said, that such a day as this was always an unpleasant one to a chancellor of the Exchequer, who was called upon to perform the unpopular office of imposing burthens on the public; but it was more peculiarly unpleasant to him, who felt within himself a consciousness how greatly unfit he was for the situation which he held: however, he had one consolation in this unpopular business, which was, that it was necessary; and that though he was called upon officially to propose taxes, every gentleman in that House was in fact as much interested in the business as he was, for the credit of the nation must be upheld. The interest of the loan must be paid, and consequently the credit of the nation called for taxes to raise a fund for the payment of that interest. Having had this necessity in view, it had become his duty to turn his thoughts most seriously to the subject, and to consider by what means such a fund could be raised with certainty on one hand, and with the least inconvenience to the public on the other; bearing this in his mind, he naturally turned his thoughts to the customs and excise; but he soon found that nothing could be more improper, than to attempt to increase the burthens already laid upon these two branches of the revenue; the storms and tempests of the last year, and the consequent bad harvest had convinced him of the necessity of looking elsewhere for objects of taxation. Gentlemen all knew how general the complaints were of the scarcity of corn; and therefore they must agree with him, that to lay additional burthens on excise, which must fall ultimately on corn, would be cruel, and to the last degree distressing in the present state of the country. Having therefore given up all idea of increasing the duties on customs and excise, he turned his thoughts to other objects; and made choice of such as he thought could well bear taxation, and be truly productive of those sums, that he expected to draw from them; and he trusted they would appear as unobjectionable and as desirable to the Committee as they did to him.

The first objects of the taxation which he intended to propose were Bills of Exchange. The stamp-tax imposed last year on bills of exchange had produced a greater sum than his predecessor expected to have drawn from it; from this he could perceive the tax was far from being burthensome, that it would bear an increase, and therefore he proposed this year to double the duty; so that the tax having last year produced 56,000*l.* the additional duty would therefore amount to 56,000*l.* To the same tax he proposed to subject all promissory notes, and also bills of exchange drawn on foreign countries. He proposed also to take away an exception in the act of last year, which had opened a door to numberless evasions. This exception was in favour of all bills of exchange drawn on demand: under the favour of this exception, ways and means had been very ingeniously contrived to draw bills, that though it was not intended they should be bills on demand, they were, in fact, worded as if they were actually to be paid on demand; by taking away this exception, and subjecting promissory notes

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to the payment of this duty, he expected to raise at least 44,000*l.*

The next tax he proposed was on Receipts. A stamp on receipts would, he was convinced, produce a greater sum than the committee could well conceive, if the Act which should pass to enforce it could be so worded, as to guard against evasions: gentlemen could scarcely form an idea of the immense number of receipts that were given in England in a year. He proposed, in favour of the poor, to exempt from this duty all bills for less than 40*s.*; but on all receipts for more than 40*s.*, and under 20*l.*, he would lay a duty of 2*d.* and on all receipts for more than 20*l.* a duty of 4*d.* This tax would fall so lightly and yet so generally, that he had not a doubt but it would be found an immense resource to government. This tax, his lordship imagined, would produce an immense sum, make people more regular in their payments, and be of infinite use to trade in general. In order to enforce it, he meant, in the Bill to be brought in, to make all receipts that were not upon the stamp specified illegal, and of no effect; therefore it could hardly be supposed that a tradesman, for the sake of 2*d.* would run the risk of paying a bill a second time. As this tax was meant to be extended to parish rates and taxes, it would act as a trifling surcharge on all the different sums now paid above 40*s.*, and be the same as the additional 5 per cent. was on all excise duties, which, though it appeared dreadful at first, had in the end been found not very burthensome. The object of who should pay the stamp was, in his lordship's opinion, scarce worth contending about; for there will be few persons so neglectful in paying their money as not to take a receipt. Lord John stated, that the produce of this tax must necessarily be a matter of uncertainty; if it was the humour to evade it, there was no saying what it might produce, or indeed how little, as there could be no means of forcing men to give receipts; but there were cases in which it could be enforced, and if once given into, it would bring in a large sum. Regulations would be necessary to give it a degree of coercion; for instance, it might be ordained by an act, that in any account, to establish which there might be occasion to have recourse to law, no receipt should be deemed valid which had not the stamp upon it. This, he conceived, would operate to make the tax be paid generally. The idea, likewise, of men in business dying with their affairs unsettled, and the chance of their money transactions coming into the hands of lawyers, would tend to assist in promoting the general operation of this tax. The produce of this tax he would take at 250,000*l.*

The next things he proposed to tax were Probates of Wills and Legacies. On the former he proposed an additional stamp duty, which he estimated at 10,000*l.* and on all legacies a duty of 1*l.* per cent. with an exception in favour of wives and lineal descendants, whom he intended to exempt from the operation of this tax; he rated the whole arising from probates and legacies, at 40,000*l.*

He came next to Bonds, Law Proceedings, Admission to the Inns of Court, &c. On these several articles he proposed an additional stamp duty; the bonds, in particular, he observed, called for such a duty; as a bond for a small sum paid as high a duty as one for 100*l.* As he meant carefully to avoid all additions to the customs or excise, he had thought it best to make a small addition to almost the whole of the present stamp duties, by which, with the addition of a new tax on all warrants, admissions to inns of court, law proceedings, transfers of estates, &c. he should be able to raise a large sum without materially affecting the poor. The gross annual produce of the additional duty on these bonds, &c. he estimated at 60,000*l.*

The tax imposed on Stage Coaches and Diligences, last year, had been found extremely productive; nay, so great was the spirit of competition between the proprietors, that they had absolutely lowered their rates, by which he was encouraged to hope that they would be very able to bear an additional tax of $\frac{1}{2}d.$ per mile, the produce of which he rated at 25,000*l.*

By a small duty on Contracts and Inventories, he proposed to raise 10,000*l.* per annum. He remarked, that by an act passed in the reign of king William 3, a duty had been imposed on all contracts; but no mention was made in the act of agreements to make these contracts, now it was his intention to subject such previous agreements to the tax, as also all inventories taken with a view to any legal proceedings.—Quack Medicines he thought very proper objects of taxation; and he believed the House would be surprised at the sum, that he had good grounds that a tax on them would produce. First, he would have all persons who sold medi-

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cines, and who were not regularly bred to the profession of doctors, &c. to take out a licence; and this being done, there should be a duty of 8*d.* per cent. laid on the medicine, which he believed would produce annually 15,000*l.* The collection might at first be rather difficult; there could indeed be no difficulty as to the medicines that were sold under the authority of the King's patent; and as to the others, the difficulty would decrease daily, as experience would enable government to discover the means by which evasions should be practised.

Lord John said, that for a variety of reasons, it appeared highly necessary to obtain a register of all the carriages in the kingdom, as well those kept for one purpose as those kept for another; it was, therefore his intention to move a low duty (he cared not how low it was) upon every waggon, cart, or other carriage, with two, three, or four wheels, excepting such as were already charged with a duty under the management of the commissioners of excise. He said, these carriages were frequently covers for smuggling, and for other bad purposes, he rather, therefore, wished to ascertain what they were, and who kept them, than to impose any very heavy tax upon them; and for this reason he thought 1*s.* a wheel a sufficient duty; at the same time that he said this, however, he declared, that if when the Bill was before the House, any gentleman should think the tax he was proposing, generally extended to all persons keeping carts and waggons, would be too heavy a burden on agriculture, he should have no objection to receive a clause, exempting all waggons and carts, kept and employed solely for the purpose of agriculture, from payment of duty: and yet, lightly as it might be felt, it would produce annually 25,000*l.*

A tax upon the Register of Births, Marriages, and Deaths, he considered to be a matter of police as well as finance. It had universally been allowed, that it was proper to have a regular account, for various reasons, of the birth of every infant, also of the marriage of every couple, and likewise of all burials; the books of each parish, and the bills of mortality would, in a great measure, lead to a computation what this would produce; therefore he proposed to lay a tax of 3*d.* per head on all infants born, all persons married, and every burial; and after allowing some gratuity to the curates, clerks, &c. he was of opinion, that the produce would amount annually to 25,000*l.* All these sums put together would make just 560,000*l.* The exact sum necessary to pay the interest on the loan of 12 millions.

There were two other objects of taxation, which he was ready to submit to the consideration of the committee, if they should find any of the others so objectionable, as to deem it necessary to reject them; otherwise he did not intend to move them. These two objects were weights and measures, and an additional duty on the postage of letters: a tax on weights and measures would operate as a very good regulation of police, exclusively of any view to finance; it might be proper to make the owners produce their weights and measures to be inspected annually, that it might be found whether they were really and truly exactly what they purported to be, and the stamp upon them would be beneficial to the revenue: on the other hand, an additional duty of 1*d.* on every letter sent by post, would bring in 75,000*l.* a year, out of which 25,000*l.* being deducted for franks for members of parliament would leave a net income of 50,000*l.* to the public. Lord John concluded by moving his first Resolution.

Lord *Mahon* informed the committee, that he should, before he sat down, move for the chairman to report progress, and ask leave to sit again, as he had some material objections to make to the mode in which taxes had been laid for several years past. He hoped the committee would not view what he said in a ludicrous light. There were two great objects that a chancellor of the Exchequer ought never to lose sight of; the one the diminution of the national debt, the other the increasing the revenue by taking off some of the taxes: this might appear paradoxical; but it was, in fact, very far from being so: for nothing could be more clear than that many of the articles of the customs had been greatly depressed by the imposition of taxes beyond what they could bear. This he proved from official papers on the table, by which it appeared that in the four articles of brandy, wine, made wine, and British spirits; these different articles produced on an average for several years before the last new duties were imposed on them, 1,300,000*l.*; but since the new duties had been imposed, there had been a falling off of near 400,000*l.*; so that giving credit for the produce of these

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new taxes, there still was a deficiency of 211,000*l.* In the article of tonnage and poundage, imposed first in the act of Charles 2, he found that they had produced very near 300,000*l.* short of what they used to produce before the new taxes were laid; so that he thought he was well warranted in saying, that by taking off these new taxes the revenue would increase in the one instance near 3,000*l.* a year, and in the other 211,000*l.*: so that the same operation of finance that would so greatly increase the public revenue, would in fact alleviate the burthen of the nation, so far from adding to it. Taxes on customs never failed to encourage smuggling. An hon. friend of his, who had been lately on the continent, had fallen into company with a very wealthy Englishman in France, who having been driven from England for smuggling, had amassed a very large fortune almost on a sudden, by pursuing his old practice of smuggling; this man had let his hon. friend into a knowledge of his business; he said, that lord North was his best friend, for by imposing such heavy duties on the articles usually smuggled to England, he had made the smuggling trade so very beneficial, that a man could scarcely fail to make his fortune by it in a very short time. Indeed, the man's observation was very just; for when duties were low, the profit that a smuggler might make, would not compensate for the risk he ran; but on the contrary, when the duties were very high, the profits of the smuggler of course were great, and consequently the temptation to smuggle must keep pace with the prospect of the profit. Hence he would recommend it to the committee, to order their chairman to apply to the House, for leave to take into their consideration the acts of parliament by which the new duties were imposed on the different articles he had enumerated; the committee might then sit again, and consider of the propriety of taking off those taxes. He spoke also of the national debt, the reduction of which a financier ought always to have in view: he stated the difference between a loan on a 5 per cent. fund, and one on a 3 per cent., and insisted that the former was infinitely better calculated to buy up the public debt than the latter. He then moved, that the chairman report progress, and ask leave to sit again.

Mr. Secretary *Fox* began his answer in the finest vein of ridicule. He had heard, he said, a doctrine similar to that laid down by the noble lord who spoke last, attempted by the earl of Shelburne in the other House, which was, that borrowing money reduced a debt: and the noble lord, as a second part to that, had now advanced, that to increase the revenue it was proper to lessen the taxes. Such sublime notions, he said, well warranted the earl of Shelburne to frame the speech for his Majesty at the beginning of the session, so full of professions of reform, for if he and his friends had found out that grand nostrum to increase by diminishing, they certainly had a right to promise more than they did. They were even justifiable in making the peace, bad as it was, for they had it in their power to lessen the taxes by increasing our calamities. Agreeably to their doctrine, going to war was a blessing, as it occasioned the want of a loan, and the borrowing money decreased our debt; every man in the nation, when he heard that the Chancellor of the Exchequer wanted a sum, the larger it was the more he had reason to rejoice, as it would be a means of lessening the taxes. That lord North, as chancellor of the Exchequer, had been a friend to smugglers, he was free to confess; and so must every chancellor, especially during a long and ruinous war, who had occasion to raise the duties; for it was a maxim never meant to be contradicted, that if there were no duties, there would be no smuggling: if small duties, but little smuggling, and if large duties, of course smuggling would increase in proportion. If the old duties, with the addition of the new, had decreased, it was a fit object to enquire into; but how that, or what the noble lord had mentioned, had to do with the present question, he was at a loss to know; it might be a proper subject to enquire into in future, but the noble lord's objection to duties that would increase smuggling, could have no retrospect to the present, for those just proposed could by no means add to smuggling. He entered very minutely into the different methods of borrowing money; observed, that the real sinking fund should not be increased, nor should it be touched until you could determine what to do with it, until you were certain what the peace establishment would be. He had not the least doubt, he said, but there were resources in this kingdom sufficient to pay off, or, what was the same thing, materially to lessen the present debt; but the proposition of the noble lord he could not agree to; for

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although you might not probably decrease the produce of the tax by lowering it, yet there was but little probability of increasing the produce by that means; therefore to hold out false notions of that kind to the people was extremely wicked and cruel, as it only went to make the public dissatisfied; it would also be very impolitic to give up old taxes, merely on a supposition of increase. Because the noble lord chose to say, that taking off the new duties would increase the revenue upon the old, ought an experiment of that nature, contrary to common experience, under the circumstances of the times, to be hazarded? Mr. Fox entered particularly into a discussion of some assertions thrown out by the noble lord relative to the superior advantage of raising money by a 5 per cent. fund, and controverted them. He recurred to a consideration of what the noble lord had said, with respect to taking off the taxes on brandy; he said, the deficiency upon the tonnage and poundage was occasioned, not as the noble lord had stated, by any deficiency or failure of the produce, but because the East India Company had not paid 300,000*l.* which they owed for duties. After reprobating the time and the mode which the noble lord had chosen for throwing out such a suggestion, he said, that he considered it not only unwise, but highly criminal, for any man at such a moment, to suggest ideas to the people that they were unnecessarily taxed; and that if their burthens were taken off, the revenue would be increased. Such notions, rashly inculcated, without modification, and without a regard to practicability, was the way to sow discontents among the people, to irritate them against government, to cause murmurings and uneasiness; and, in short, to produce the most mischievous consequences without doors. It was, in his mind, to deceive the kingdom; and to raise their expectations without a certainty, whether it would be safe to gratify them or not. With regard to the assumed ground of the noble lord's proposition, undoubtedly it was necessary that the deficiencies of the war taxes should be made good; but that was not, in his opinion, the right time for carrying such a measure into practice. Let them see what the peace establishments were to be, and let them judge from them what would be the best means of providing for former deficiencies. His noble friend had fully stated his reasons for not attempting to make good the deficiencies till the next session. Let the noble lord wait with patience till then, and if he found them proposing expensive peace establishments, peace establishments larger than the security of the country absolutely required; if he saw any thing in their conduct with respect to the finances of the country that justified suspicion, it would be then time enough to endeavour to oblige them to do many things, which it would undoubtedly be right to do, but which they had not yet had time to consider duly, nor was it practicable for them to attempt immediately. With respect to paying off the debt, it depended on two circumstances: first, if the revenue was certain, it would depend on the expenses; and, *vice versa*, if the expenses were certain it would depend on the revenue; therefore, until one of those points were ascertained, it would be difficult to give a positive answer. He declared he was a firm friend to the idea of our having it in our power to lessen the national debt. If he did not entertain that idea, and that upon what he conceived to be grounds perfectly reasonable, he would be free to own he should think less sanguinely than he ever had done of the resources of the country.

Mr. *W. Pitt* thought, as it had happened, that the motion made by his noble friend would throw some new light on the subject of taxation, and convey a good deal of information to the House. He conceived it right to offer a few sentiments on the argument into which the debate had very naturally branched out; and said, he would endeavour to be as concise as possible, after the hour's entertainment which the right hon. Secretary had just afforded them. He was a little surprised, however, that there was so little matter and so much oratory. The House was carried away from figures to declamation; and instead of fairly meeting the motion made by his noble friend, a reply was offered which was fraught with every species of ingenuity that could confound the understanding and mislead the judgment. It was a kind of system, flimsy and flippant in construction, which sober, dispassionate men must spurn at; it was an attempt to throw into ridicule a proposition that was plain and simple; but which, by the ingenuity that the right hon. gentleman possessed, might be tortured into a contradiction that should afford a laugh. It was an argument, he could venture to assert, that was not founded in justice,

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containing two beautiful abstract propositions. Having, for some short time, played ironically on what Mr. Fox had laid down in his argument, he entered into a defence of the calculations made by lord Mahon, and contended, that borrowing money at 5 per cent. was the only mode by which a surplus could arise, so as to assist in paying off the national debt. He observed, that no rational man could, for a moment, imagine that a debt was to be lessened by adding to it, or that taxes were to be lightened by increasing the duties. These were paradoxes that required no defence; they were glaring to every man's understanding. As to what fell from the right hon. Secretary, in respect to the surplus, he differed materially with him in that point, although he allowed that a million was more than 940,000*l.* The mystery was easily solved; and that which led the right hon Secretary astray, was his not considering the compound interest that arose on the money borrowed at 5 per cent. which, he said, in the course of twenty years, would produce miracles. The hon. gentleman then adverted to the terms of the last loan, and went over much of his former argument on that business, and called the transaction indiscreet and slovenly. From that he adverted to the taxes proposed by lord North; which, from their impolicy, he averred, had, in general, destroyed their object. The plan now seemed to him to wear the same complexion; and false principles were laid down to support the measure, which the people of England were as greedily to swallow, as the champion of the people with rapidity had uttered them. This was a species of political cruelty, exercised by what he could call by no other appellation than imposition. Humanity had been mentioned by the right hon. gentleman; but there was a vast difference between the real practice and the beautiful expression of the word. This, he said, naturally led him to the calamities of the American war, which he called rash and bloody, fraught with misfortunes, and ending with misery to this empire. The motion made by his noble friend went not, however, to blame any of the taxes; its extent was for an enquiry into what could be done for the benefit of the kingdom. It was merely a proposition for the purpose of lessening the burthens of the people, and taking some step towards paying off a part of the national debt. It was also to form some scheme of wisely and judiciously taking off taxes that were unwisely laid on. It went, at least, to an idea of that salutary measure, though it contained no absolute proposition of the kind; and, indeed, the right hon. Secretary himself, when he checked his career, when his judgment recovered itself, declared, that he thought taking off the taxes a right measure, where it could be done with safety. Mr. Pitt amplified upon this, but went a little farther than Mr. Fox had done, in recapitulating his arguments, with a view to overthrow them. He entered into a long discussion of the question, whether a loan had best be raised on a 5 or 3 per cent. fund, and gave his opinion decidedly in favour of the former. In answer to Mr. Fox's declaration, that the system of finance of his noble friend near him, was a system of mysteries in which it yet remained for him to be initiated; he said, it was true, there was a mystery in his noble friend's system, in which it was wonderful indeed that the right hon. gentleman did remain to be initiated; viz. the mystery of compound interest—a mystery of which it was plain he was wholly ignorant. He charged Mr. Fox with inhumanity to the people of England, in denying them any enquiry whatever into such of the taxes as it would be more adviseable to take off than to continue. As to what fell from the right hon. gentleman in respect to his Majesty's speech, he had to observe, that there never yet were any of those objections started against it that were ever substantiated. The promises were not romantic, nor the plan of reform idly conceived. These, he said, were some of the observations he had to make, to which he should add this remark, that it was not now so dangerous a matter to postpone the taxes, as if there was a war. We now enjoyed the blessings of a most excellent peace; nor was the interest of the people so connected with finance; a circumstance, of all others, that must make peace a most desirable attainment indeed. The hon. gentleman here again entered into a variety of calculations which were, for the most part, on interest and compound interest, on the variation of stocks, multiplication, addition, subtraction, and division of figures, the object of which tended to prove, that the deficiencies of the last year should be made up before the supply of the next year was provided; that by borrowing with one loan to pay the in-

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terest of another, the nation would become bankrupt, and that he differed materially in his ideas of finance from the right hon. Secretary. He concluded, with a remark, that from the poor and flimsy manner in which the argument in favour of his noble friend's motion was answered, the right hon. Secretary had never thought on the subject of the taxes until he made his speech.

Mr. *Fox* informed the hon. gentleman that he had misunderstood him, for his argument had been wholly misrepresented. He did not disapprove of any mode to enquire into ways and means to reduce the national debt, nor of any proposition that tended to an enquiry into the deficiencies. He approved, and ever would approve of examinations. They were calculated for the benefit of the people, and that ever should be one of his first objects as a minister. He was surprised how the hon. gentleman could state such an hypothesis, unless it was merely to furnish an opportunity of his displaying his shining talents, even at the expense of a mistake, that he must know would meet correction. The idea he meant to impress on the minds of the House was, that to stop the business of the committee by a proposition abstracted from the motion before them, and totally of another complexion, was impolitic, improper, and imprudent. There was a proper time to debate such a matter, without starting it as an obstacle to the important question before the House. It was on that principle it met the opposition of ministers; and on that ground there was not an unprejudiced man in the House who would not oppose it. Besides, the motion for the Chairman to quit the chair, was throwing out to the people, that the taxes were improper, burthensome, and heavy; whereas, not a syllable had been said by the noble lord, nor by the hon. gentleman, that even cast one reflecting shade of disapprobation on the taxes. The natural conclusion, therefore, was, that the opposition took its rise from some other kind of principle than that of serving the country, by delaying the taxes. As to what fell in respect to the loan at 5 and at 3 per cent., and the calculations made thereon by the hon. gentleman, it was a matter of compound interest, in which almost every school-boy could inform him there was no difference; the gain and loss being equal, which ever was adopted. It required no great knowledge of figures to make that evident to the meanest capacity; and to prove that a loan, if it could be obtained at five per cent., would no more benefit this kingdom than a loan at 3, 4, or 4¼ per cent. with the usual douceurs. And as to the deficiencies, any person who knew any thing of finance must acknowledge, that they would grow less and less every year. As the hon. gentleman had mentioned that he had treated the peace with levity, it became requisite to set his ideas right in that particular likewise, and to inform him, that it was the resources pointed out by the hon. gentleman which he treated lightly. It was his system of finance which created the laugh, and his not liking taxes because they were new, that occasioned the levity complained of. The proposition, in respect to the 5 per cent., was a simple one; and if the hon. gentleman chose to commit his figures to paper, he would meet him there. It was true he had hinted at the late peace, and he could reply to the hon. gentleman's sarcasm about system, by averring what was a public opinion, that the late administration had a system of promising what they never had performed. The idea of his having said, that they generated monsters, he denied, because he believed them as incapable of generation, as it was possible for barrenness to be; and the manner in which they quitted their offices, without leaving a trace of any invention for loan or taxes behind, proved their sterility. Indeed, there were some little excuse for this, as the peace took up all their faculties, and left them not an idea to bestow on any other business, and therefore they substituted promises for performances. The question before the House was, whether the Chairman should leave the chair, quit the business of the day, and enter into a debate on a new subject, that could, with more propriety, be discussed at any other time.

Lord *North* stated, that as not one syllable had been uttered against the taxes, there existed the strongest proof that they were agreeable to the House; and not only so to the noble lord, but they held him under an obligation, by giving him and his friend an opportunity to display their talents for speaking. As to the motion it was the most ridiculous and unseasonable he ever remembered to have heard made; it was a degree of absurdity that carried the front of nonsense along with it. Had the noble lord any

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other tax to propose in the place of those moved, it would be right in the committee to make the proposition; but as that was not the case, it was idle to desire the chairman to leave the chair. Such an idea was foreign to the matter, it was as unreasonable a thought as the wildest head in the House could conceive. The noble lord, it was true, had used some harsh expressions—had called him improvident, and that his taxes were indolently conceived, and ignorantly managed—ignorant was certainly the word; and he said he must not forget it. And as the noble lord's abilities were so great without experience, when he had experience he would be a prodigy indeed! The calculation of the right hon. gentleman (Mr. Pitt) on a loan at 5 per cent. was something of the same stamp of financiering genius as the noble lord sitting next him, as he was arguing on premises not established; for until he could prove that there would be no resistance from some poor ignorant men on the other side of Temple-bar, to his 5 per cent. scheme, the beautiful theory, which he had built up with such magnificent eloquence, must all tumble to the ground, and become baseless as the fabric of a vision. His lordship having stated the absurdity of all the calculations made by lord Mahon and Mr. Pitt, and endeavoured to shew the absurdity of their financiering proposition, most ably defended his own conduct in the American war, and in all the loans he had made for the public. He denied any intention of concealing the deficiencies; and shewed, that those who had pretended to argue against the late, or any of the former loans, knew nothing of the finances of this country, except just so much of the theory as enabled them to make long speeches. He played upon the financiering ideas of lord Mahon and Mr. Pitt with humour, and the most pointed ridicule; talked of their modesty and their art; and hoped, that when lord Mahon became Chancellor of the Exchequer, his experience would make him a shining ornament to his country.

Lord Mahon withdrew his motion, declaring that he did so because he found ministers intended to go into an enquiry of the deficiencies. The Resolutions, after some further conversation, were then agreed to.

*Debate on Mr. Pitt's Bill for Reform of Abuses in the Public-offices*] June 2.

Mr. *W. Pitt* brought in a Bill "for preventing abuses, and establishing certain regulations in the several offices of the Treasury, Admiralty, Ordnance, Excise, and Stamps, and of several other offices therein-mentioned." He said that the purpose of the Bill was to embrace all the different objects pointed out in the King's speech, at the opening of the session, and which would have been attended to much earlier, if the ministry, in whose hands the administration of the country was when the session was opened, had continued in office. This, he said, would shew, that the speech was not full of empty profession, as some gentlemen had thought proper to say, but that the ministers then in office were seriously determined to make good every word of it. In preparing the Bill, instead of attempting to form it themselves, they had put it into the hands of those who were undoubtedly the most competent to the subject, the commissioners of public accounts. With their assistance, the Bill had been prepared; and as by the simplest and most easy mode of reform that could be imagined, it would effect a material change for the better, and produce an essential advantage to the public; he flattered himself the Bill could not possibly meet with the smallest objection, but that late as the period of the session was advanced, it would, on account of its great importance, pass both Houses before the parliament rose.

Lord *John Cavendish* said, he had no intention to oppose the motion; he wished to see the Bill; but still he would not have it thought that he pledged himself to support it; on the contrary, he was of opinion, that all the purposes for which the Bill was calculated, might be as well answered by judicious regulations of office, as by an Act of parliament.

Mr. *Burke* wished that attention had been paid some time ago to the principle on which the Bill was founded, and there could not have been such complaints, as had reached his ears, relative to the fees at the Treasury, for passports to America and other ships. The conduct of the late administration in that respect must be brought forward; and that the House might be fully enabled to form a truer judgment of that truth and fidelity, of which the right hon. gentleman had boasted, he should move for certain papers, so that the House would have before them at once their plans of reform, and their practices of abuse; from comparing the one with



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the other, it would be ascertained, whether the speech at the opening of the session was not a mere speech of profession and promise, at the very moment that their conduct was full of abuse and criminality.

Mr. *W. Pitt* rose with some warmth, and said, let the matter be put to the test, and that immediately. The hon. gentleman knew best whether bringing forward plans of theoretical reform, and being guilty of practical abuses in office, did or did not center in one and the same person. He had no objection whatever to having the matter fully enquired into; but, at any rate, it was a proof that such a bill as that which had been just read, was absolutely necessary.

The Bill was read a second time, and ordered to be printed.

June 17. Mr. Pitt moved the House to go into a Committee on the Bill, and asked if it was the intention of ministers to continue the commission of public accounts, which would expire next July.

Lord *John Cavendish* opposed the motion. He thought the Bill useless, as all the purposes that the hon. member had in view might easily be answered without it. The regulations relative to the various offices could be established by the heads of those different offices, who were most competent to judge which were fit, which unfit, to be adopted. And if a proper confidence was not given to office, so as to suppose that where abuses really prevailed to any improper extent, a due correction would be applied by office, the whole public expenditure would be endangered: because if once a suspicion was avowed, that the heads of offices connived at fraud and corruption in those under them, the whole of the offices of revenue necessarily fell under such a suspicion, and all the public receipt and expenditure must be supposed to be at hazard; a degree of denial of confidence to office, which he trusted, no abuse hitherto practised, nor any likely to be practised had yet, or would ever justify. And he thought this the best mode of proceeding, because if the business were referred to the commissioners of public accounts, it would take up a great deal of time, and subject the public to unnecessary expense. He illustrated this objection, by stating the great variety of objects the Bill comprehended, and the time a full enquiry into each would unavoidably cost the commissioners. He shewed also how much more competent to the corrections of abuses in office, the superiors in each office must be, than the commissioners of accounts, or any other persons unconnected with the respective offices, however able. There were some things in the Bill which he highly approved. The sale of offices in particular he thought a very improper practice, and should readily concur in any fit mode of correcting an abuse of that sort; for, certainly, if no other qualification was to be looked for in appointing to an office, than the person who had the most money to give for it, the office was not likely to be so properly filled, as it would be where the merits of the person appointed to it were judged of by some other criterion. The abuses also respecting incidental expenses, and with regard to articles delivered at their private houses, required correction. In like manner some regulation might be necessary to prevent an improvident expenditure of stationary wares in office, or in the houses of officers; but these regulations he thought capable of being effectually put in force without passing such a Bill at so advanced a period of the session; for these reasons, he should oppose the Speaker's leaving the chair. In answer to the hon. gentleman's question, he said he intended to bring in a Bill to continue for one year more the commission for stating the public accounts.

Mr. *W. Pitt* expressed a good deal of surprise at what had fallen from the noble lord; he would not refer the regulations to the commissioners of public accounts, and yet he intended to continue them for another year: but above all, he was surprised at hearing the noble lord say, that the heads of the different offices would be the best persons to correct the abuses, and introduce new regulations into their several departments. He said he would state a few facts to the House, which would convince them of two things, that abuses did exist in several public offices, and that the heads of those offices were not the most fit persons to correct them. He said, if there was any object more worthy the jealousy of parliament than another, it was to take care that the receipt and expenditure of the public money were, in all the great revenue offices, conducted and managed with the utmost purity and fidelity. The evil consequences of a contrary practice were too obvious to need illustration. He would, there-

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fore, proceed to shew, that abuses in offices of revenue really existed, and that to a very great and alarming amount. And first, he would say something with regard to fees, gratuities, and perquisites. To instance one office only; in the navy-office, when an enquiry was instituted by by the late board of Treasury, with a view to prepare the present Bill of reform, the answer given was, that there were no fees received by that office. Upon a closer examination of the matter, however, it afterwards came out, that although there were no fees, received as such, yet that money, to a very considerable amount was received by some of the officers, under the name of gifts: thus, for instance, the chief clerk of the navy-office received a salary of about 240 or 250*l.* a year; and it turned out that he received no less than 2,500*l.* in gifts. Other clerks with smaller salaries received gifts in proportion. Mr. Pitt dwelt for some time on this fact; and urged, that the public were liable to have great frauds practised upon them, if those, in whose hands the means of check and control were placed, were in the practice of receiving what certainly might be termed the wages of corruption. In the particular instances of those officers of the public yards, who were entrusted with the delivery of stores, the House must see that the practice was big with the most dangerous mischief. Mr. Pitt further stated, that in various other cases, the practice prevailed to an alarming degree, and mentioned a particular contract that had been deemed a very easy one, insomuch so, that it had been a matter of wonder how it could be fulfilled on terms so extremely reasonable. The solution of the enigma was, however, as easy as any solution could be, since it was only recollecting that the officers, who were to pass the contractor's accounts, to see that his contract was duly and faithfully executed, and to report, if they found the contrary to be the fact, were each of them in the pay of the contractor. In order, therefore to put a stop to these abuses, and to prevent any more of this infamous traffic between the clerks in office, immediately concerned in checking, passing, and expediting the accounts of persons employed in serving the public with different articles, and those persons themselves, he said, the aim of one clause of the Bill was to establish and ascertain the actual amount of all the fees hereafter to be taken, and to appoint an officer in each office to receive the fees thus established.

While he was upon this part of the subject, he took notice of what had fallen from Mr. Burke a few days since, and said, that hon. gentleman had charged the two late secretaries of state with having unprecedentedly and illegally extorted enormous fees for passports. [Mr. Fox and Mr. Burke said across the House, there never was any such charge made.] Mr. Pitt, observing the contradiction, said, he averred it on his recollection, that the charge was as he had declared it to be. He then explained the matter, by stating, that when passports had been applied for on the conclusion of the peace, enquiry was made what had been the custom and usage of the office in that particular, when the noble lords, then secretaries of state were each informed what the uniform practice had been, and that practice they very naturally followed. Upon the matter being complained of as a grievance, one of the noble lords had declared, he had no objection to abide by the decision of a court of law, and had in the mean time stopped the distribution of the fees so taken. So far, therefore, had the hon. gentleman, who had moved for the account of passports granted, been from bringing forward any thing adverse to the Bill under consideration, that he was free to confess his obligations to the hon. gentleman in that particular, since the hon. gentleman had thereby fortified him with a very strong argument in support of the Bill, and in proof of the necessity of such a bill's passing. In order to shew that he felt the matter in that way, he declared, he meant to move for an instruction to the committee, to insert a clause to make the Bill extend to the fees taken in the secretaries of state's office, as well as in the others already enumerated in the first clause of the Bill.

He also took notice of a remark made by Mr. Sheridan a few days ago, who had charged the late board of treasury with having created a new fee at the very time that they professed to be employed in forwarding plans of economy and reform respecting office fees in general. Mr. Pitt said, the charge was ill-founded, and he went into an explanation of the subject-matter of it, declaring that the lords of the treasury had acted therein solely upon the ground of custom: that the matter related to a sum claimed as a gratuity upon contract, which the Treasury,

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as a custom and usage were proved to have warranted such gratuities, and as the regulations intended relative to such points were not at that time carried into execution, had allowed to be taken. [Mr. Pitt produced and read the treasury minute that had been made on this occasion, in proof of what he asserted.] In the course of speaking of fees, he also mentioned the place of the secretary of the post-office, who, with a salary of 500 or 600*l.* made an annual income of upwards of three thousand. Mr. Pitt stated this to arise from his having two and a half per cent. on all packets; and in the last year of the war, he said 140,000*l.* had been expended in packets, so many were either lost at sea or taken. He likewise alluded to the salaries of the two secretaries of the Treasury, which he stated at 2,000*l.* a year during peace, but said they swelled to 5,000*l.* a year during war.

After very amply discussing the subject of official abuses in respect to fees, perquisites, and gratuities, he proceeded to the other parts of the Bill, promising not to take up the time of the House in saying much on those, which were admitted by the noble lord to be proper objects of reform. The sale of places certainly ought to be checked, and so likewise ought some regulations to be made respecting the superannuation of officers, and the appointment of persons to discharge the duty of such as may have leave of absence. He would mention one instance of the latter species of abuse, which, he trusted, would sufficiently demonstrate the necessity of some immediate reform. Previous to the existence of the last board of treasury, a practice had obtained of the occasional superannuation of the stampers of the stamp-office, when the commissioners of the treasury each appointed a stamper, regularly one after the other in turn, as real vacancies happened, or as artificial vacancies were created. It also pretty generally was the practice for each commissioner to appoint one of his own servants, and instantly to grant him a leave of absence, which leave of absence was constantly renewed for six months every half year; so that, in fact, the place was a sinecure to the servants appointed, and all the business was done by a deputy. This abuse the last board of treasury had stopped as far as in them lay, and he meant in this Bill to give the regulation in this particular the sanction of an act of parliament. The creation of new offices unnecessarily, was equally a matter that called for reform. It was pregnant with abuse, and could produce no possible good to the public.

The next article the Bill stated its intention to reform, was the improvident expenditure of the public money in what were termed incidental expenses; under which head were comprehended the supply of persons in office with coals, candles, furniture, &c. This, he observed, was subject to great abuse; and had, in some instances, been carried to a most absurd and indefensible extent, there being in existence, to his knowledge, various proofs of officers having not only made no scruple to order the different articles, at the expense of the public, to their dwelling-houses in town, but even to their houses in the country, and that at a most extravagant rate.

The clause Mr. Pitt next spoke of, was the clause relative to work done in the houses held under government. The abuses under this head, he declared, it appeared from enquiry, were very great. He mentioned the expense of repairing the house in Downing-street, in which he had the honour to be lodged for a few months. The repairs of that house only, had, he said, but the year or two before he came into office, cost the public 10,000*l.* and upwards; and for the seven years preceding that repair, the annual expense had been little less than 500*l.* The alterations that had cost 10,000*l.* he stated to consist of a new kitchen and offices, extremely convenient, with several comfortable lodging-rooms; and he observed, that a great part of the cost, he had understood, was occasioned by the foundation of the house proving bad. Nor had the house of the Chancellor of the Exchequer alone proved a source of expense. Other houses belonging to the public in Bushy-park, at Hampton Court, and elsewhere, though they had not cost so much, had followed at no very considerable distance, and would be allowed, when the charges were ascertained, to have kept their pace in tolerably regular gradations.

He at length came to the latter clauses of the Bill, those respecting the improvident consumption of stationary wares by the officers of the different departments of government. The abuses under this article of charge were, he said, almost incredible, and the mode of abuse, in some instances, truly ridiculous. He had even heard of rooms being papered with sta-

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tionary at the expense of the public, and of other as unjustifiable uses of it. The annual charge on account of stationary wares, he stated to be above 18,000*l.* and it would, he believed, somewhat astonish the noble lord in the blue ribbon, when he told the House, and informed him (for he really believed the noble lord had no idea of any such circumstance) that the noble lord alone, as the first lord of the Trearury, cost the public, the year before the last, no less than 1,300*l.* for stationary. Great as this sum must appear to gentlemen, he declared, that, knowing as he did, of what curious articles the bill consisted, he should not have wondered if the amount had been as many thousands as it was hundreds. One article of the bill was an item of 340*l.* for whip-cord! When he mentibned this circumstance, he desired to be understood as not intending any thing personal to the noble lord; he was persuaded the noble lord neither connived at, nor knew of the abuse; and from that very circumstance he drew an argument in support of his Bill, and in proof of the necessity of a substantial reform. The Bill of the two secretaries to the Treasury, jointly for stationary the same year, nearly amounted to as much as the bill of the first lord; the bill of the five lords to little more than 100*l.* each. Great abuse and waste of stationary wares was also practised in the houses of ministers, servants generally considering it as a part of their duty to contrive ingenious means for using more than their masters, and generally wasting ten times as much as they used. If then the board which possessed all the powers of control, and which he doubted not had exercised those powers with becoming vigilance, viz. the board of treasury, were liable to such gross imposition, he had a right to suspect that in the subordinate offices, offices possessed of less power, and not so likely to exercise any check upon abuses of this nature, similar abuses prevailed to a considerable degree. He meant to propose allowing a certain fixed sum for stationary wares to each office, as the best, and indeed the only practicable means of correcting the abuse. Having amplified extremely on this, Mr. Pitt declared, he had no doubt but the plan of reform contained in the Bill would save the public 40,000*l.* a year at the least; he therefore hoped, that it would not only be the sense of the House that it should go to a committee, but that it should pass this session.

Before he sat down, he took notice of lord North's expression in a former debate, that not a trace was to be found in the Treasury, indicating a single step towards that glorious fabric (as the noble lord had been pleased to term it) of reform and economy held out in the King's speech. That speech had been often mentioned in the course of the session, and repeatedly charged with being full of vaunts and promises, never intended to be kept or fulfilled. The expression he had just alluded to of the noble lord, struck him as so very strong a one at the time, that he thought it necessary to take it down in writing, and he was determined, at the moment, to bring it to the test at some fit opportunity. As it was materially connected with the subject of the Bill then under discussion, he knew of no fitter opportunity than the present. In order to bring the matter fairly within view, he declared he would read the promises of the speech on the opening of the session, paragraph by paragraph. He did so; and then urged the various measures tending towards a plan of reform begun by the late ministry, as well those brought before parliament, as those not sufficiently matured for the inspection of the House of Commons, ere the late ministry went out. He referred to lord North and the present Chancellor of the Exchequer, as witnesses, whose evidence he was entitled to upon different topics in this part of his argument. He appealed to them, whether there were not in the Treasury very laborious and accurate materials, drawn up at the instance of the last board of treasury, upon the mint, the royal forests, and a variety of other subjects alluded to in the King's speech, as intended to be brought forward in parliament as matters of reform? And after going through the whole, he complimented lord North on his well-known candour on all occasions; whence he was induced to flatter himself the noble lord would do him the justice to acknowledge he had rashly made his assertion, and that, so far from there being no trace to be found in the Treasury of that glorious fabric to which he had alluded, there were the foundations laid for the whole building, and that its basis was obviously intended to be most solid and substantial. Mr. Pitt said, this latter part of his subject had been touched upon in that House, and occasioned much warmth and asperity; he trusted that he had now put it fairly to issue, and stated it in so plain and

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precise a way, that it could hereafter become only a topic of cool and dispassionate discussion. He added other remarks, and at length wound up his argument with declaring, that it had afforded him some satisfaction to have had an opportunity of offering an explanation of the Bill to the House; not doubting but that, after the Bill had been explained, the House would acknowledge its importance, and immediately proceed to give it that consideration to which such a Bill was undoubtedly entitled.

Lord *North* having been so particularly alluded to, begged to trouble the House with a few words. As to the charge of 1,340*l.* for stationary for his use, 40*l.* per cent. must be taken off, as the due of the usher of the Exchequer; but as to the 350*l.* for whip-cord, this was certainly the first time he had heard a word of it; and he should be greatly surprised indeed if the charge for any such article should amount even to 10*l.* He had always made it a point to prevent any fraud that might be committed under his name, by giving the most positive directions that no stationary ware should be delivered for his use without the express order of his private secretary; if, therefore, any fraud had been committed, it must have been by a breach of this direction; and he assured the House, that he would make the most rigorous enquiry into the business; and if he should find delinquency, he would leave nothing in his power undone to bring the delinquents to punishment. He at the same time begged the House would not compare the consumption of stationary ware by a first lord of the Treasury, with that of a private individual; for he was obliged to have a private secretary, and two or three clerks almost constantly employed: the 40*l.* per cent. perquisites to another officer, would bring the consumption to about 600*l.* a year; and on this he must say, that as the Treasury was served by patent, it was not served as well or as cheaply as it might otherwise be. As to coals and candles, he found when he was placed at the head of the Treasury, that his predecessors had been supplied with these articles at the expense of the public, and that it was according to an old and established custom; but he had not availed himself of this custom, but had supplied his house with coals and candles at his own expense. As to the money laid out upon the house in Downing-street allotted for the residence of the chancellor of the Exchequer, he could say with truth, that he warded off the expense as long as he was able and had consented to it at last, only because the report of the Board of Works declared that the house could not stand long if it was not repaired. After he had seen this report, he gave way, and suffered the repairs to be made; but so far was it from being for his own convenience, that it was very inconvenient, and very expensive to him: and when he did give way, he was given to understand that the expense would have been no more than 5,000*l.* but afterwards, when the building was thrown open, the foundation was discovered to be in so ruinous a condition, that 5,000*l.* more were expended in repairing it: these different facts his lordship proved from the different reports of the Board of Works; and he observed, the officers of the Board could not be benefited by recommending new buildings or repairs, for they had fixed salaries and received no other emolument. As to the house at Bushy, when his Majesty had been pleased to confer the rangership of Bushy park on lady North, it was in a most ruinous condition: it had been granted for three lives to the family of the late lord Halifax; and when by the fall of the last life it reverted to the crown, the house, like almost all houses that return after the expiration of a lease to a landlord, was in a wretched condition; the roof was all decayed, and ready to fall in; the Board of Works caused it to be examined, and reported it to stand in need of immediate repair: and he could assure the House, that no expense had been incurred for any ornamental work, or new building; all had been done on the old foundation. When he had said on a former occasion, that no trace was to be found in the Treasury of any plan or system of the late ministry, relative to economy, he must be understood to have applied what he said to the subject then before the House, viz. the Loan; the King's speech had held forth promises of constructing new loans on such a principle, that when the fund for the payment of the interest was to be raised, care would also be taken to create a fund to extinguish the debt; this would have been a glorious act indeed: but no trace of it was to be found in the Treasury: promises were also held out in the speech, of plans for supporting the credit of Navy and Victualling bills, Ordnance debentures, &c. and for preventing the alarming discount that they bore; these

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would have been glorious acts also; but no trace was to be found in the Treasury of any such plans; he was therefore justified in saying, that the late ministry had deluded the public by promises, which they either could not or would not, but which they certainly did not attempt to perform. As to the saving which the hon. member expected to make by this Bill, he was afraid he was much too sanguine in his expectations; for his own part, he did not expect any thing extraordinary from it.

Mr. *Fox* said, that among the various charges that had been brought against his noble friend, it had never been suggested that he had ever created a job for his own emolument; and he believed that what the noble lord had said and read that day, would convince the House that there was no ground now for such a charge. He arraigned the conduct of the late Treasury, in having suffered their friends, while they remained in office, to enjoy all the fees of their offices; but who had cut off from their successors the possibility of having any. The two late secretaries of state had been permitted to enjoy the fees for passports; but the late Treasury had, on a very remarkable day indeed, signified to the office to which he belonged, that the secretaries of state were in future to have 4,000*l.* a year salary, and no perquisites; "this order was brought to my office," said Mr. Fox, "on the 2d of April, the very day I had the honour to kiss his Majesty's hand on my appointment to the office I now hold." So that it looked as if, when the late Treasury board was on the verge of its dissolution, and its friends could no longer enjoy their places, they were to be made as little valuable as possible to their successors. He then spoke of the passports that had been dealt out by the late secretaries of state, and which cost the merchant here 30*l.* though the enemy charged nothing for them. He blamed, in severe terms, the practice of charging the fee on each passport as great a number of times as there were enemies at war with us; thus the fee, which was 7*l.* 10*s.* was charged four times on the same passport; because, in the late war, we had four enemies to contend with. This, he said, was shameful and disgraceful to the nation. The late Treasury, therefore, though negligent of correcting abuses in the offices of the members of their own cabinet, had shewn great diligence in taking the means of preventing their successors in office from being guilty of similar abuses. Mr. Fox most pointedly put this, and rescued Mr. Burke from the imputation of having charged the late secretaries of state with having taken fees that were unprecedented and illegal. He also said, that the first notice he had of the matter was from a person, who had paid for passports, having called upon him, and after stating the fact, having asked him, if he did not think the fees excessive? His answer was, that he certainly did; and indeed he could give no other answer. The merchant then asked, if the fees might not be refunded? To which he replied, that he could not refund them: they were in the pockets of the former secretaries of state, and he could not oblige them to refund what they already had in possession, although their coadjutors had taken the means to prevent the then secretaries of state from continuing the practice. Mr. Fox said, possibly the matter might come into a court of law; but he could not very well understand its being said, that the late secretaries of state had no objection to it; he did not see how they could help it, if they wished it ever so much. As to the Bill before the House, he thought it totally unnecessary; however, he would not oppose its going to a committee, since the hon. member seemed to desire it so much.

Mr. *Burke* blamed the author of the Bill for prying into the little perquisites of little men, in little offices, while he suffered the greatest abuses to exist in the offices under his eye, while he was in the Exchequer. He seemed to have that nice olfactory nerve which could smell a ball of horse dung a thousand miles off, but which was not affected by the stench of a dunghill under his very window. He then alluded to various abuses which the hon. member had suffered to exist, and more particularly in the Secretary of State's office, to the injury of commerce and the disgrace of the nation. He insisted that the Bill was unnecessary, because every head of office was already possessed of sufficient power to correct all the abuses enumerated by the Bill. He compared Mr. Pitt as a reformer to a large serpent, gliding along in the dirt and mire of reform, with a number of little diminutive officers in his belly. He said, the Bill held out the reverse of a true principle of economical reform; it substituted vexation for economy, and expense for reform.

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It abolished a number of petty, insignificant offices, for the purpose of creating five expensive offices upon the ruin of the indigent and the worthy. He would not divide the House against the Speaker's leaving the chair, though he thought it would be more rational to put an end to such an idle bill as soon as possible.

Mr. *W. Pitt* said, that when he mentioned the whip-cord, Dowing-street, and Bushy-park houses, nothing could be farther from his intention, than to insinuate that the noble lord knew, or connived at the abuses complained of, or that he had ordered the repairs for a job: all he meant was to shew how easily abuses might grow up in remote offices, when even in the Treasury they could be practiced without the knowledge of the first lord.

The Bill then went through the Committee, and passed the Commons on the 19th.

*Debate on the Duke of Richmond's Motion for a Committee on the Independency of the Judges.*] June 3. The Duke of *Richmond* called the attention of their lordships to the motion of which he had given notice relative to the constitution of the Great Seal, and particularly to its present situation in the custody of the commissioners. He prefaced his speech with adverting to the reform which had been lately agitated in the representation of the people in parliament, which he discussed pretty much at length, and said, that in every thing which appertained to the constitution, he wished to see sound principles taken and maintained as the ground work of every measure that was adopted, and he was anxious to try every measure by that criterion. The independency of the judges was one of those principles which he conceived to be essential to the constitution, and the legislature ought to be jealous of every thing that could lead in the most remote degree to affect their independency. The noble duke went into the history of the judges in so far as respected their origin and the progress of their establishment; stating the subserviency in which they were held before the Revolution, the precariousness of their situations, and the consequent influence which the crown thereby held over all their conduct; an influence so hostile to freedom, so inimical to every idea and principle of liberty, that it was impossible that a nation could be said to enjoy the inestimable treasure, where the sources of public justice were dependent. And here he begged the House to take with them in all that he should say, that he had no intention to make a personal attack, no design to run at any individual, or any set of individuals whatever. Nothing could be farther from his meaning; he wished merely to bring under their lordships' consideration a point of great public concern, for such he should ever consider the independency of the judges; that was the main object of his troubling their lordships that day, though it might be supposed that he intended, and he made no scruple to avow, that he was chiefly led to undertake what he was then about to state, from a consideration of the commission into which the Great Seal had been lately put. But he begged to be understood as meaning nothing personal to the learned lord in his eye (lord Loughborough) or to any other judge.

His grace then observed, that the independency of the judges was a matter in which every person must feel an interest, since the uprightness and integrity of those, in whose hands the lives and properties of the people were placed, were qualities indispensably necessary for the public security, and on which essentially depended an honest and equitable distribution of the law of the land. He mentioned, that in the earlier days of this country their dependence rested solely on the will and pleasure of the crown, and that antecedent to the Revolution all their commissions existed only *durante bene placito*. Soon after the Revolution, an act passed, (the 13th Will. 3,) which put the judges on a better footing, and declared them to be entitled to hold their situations *quamdiu se bene gesserint*, and that their salaries should be fixed and ascertained. On the demise of the late king, and prior to that event, doubts had been entertained, whether the judges' commissions did not cease, when the king who granted them expired. These doubts were doubts in the true sense of the word, because it was a fact that was notorious, that some of the judges themselves thought their commissions continued in force, notwithstanding the royal person who signed those commissions had no longer existence. Other very worthy men thought differently upon this subject. However, in the first year of the present King, an act passed, which put an end to all farther doubt, by declaring the judges to continue in office *durante se bene gesserint*, or in other words, to be removable

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only for crimes, with the single exception, that on an address of both Houses to the crown for that purpose, they might be removed. Thus matters stood for some time; the Act of King William clearly avowing, that the salaries of the judges ought to be fixed and ascertained, and that of 1 George 3, giving their commissions existence during life, unless guilty of some crime, or complained of in the manner he had stated. Hence his grace inferred, that it was his opinion, that of all men the judges ought to be independent, and that their salaries ought to be ascertained; indeed, without the latter, it was impossible to accomplish the former. Of late years, some farther additions had been made to the salaries of the judges, of which his grace gave the House a correct account; and particularly mentioned lord Mansfield and the other chief justices having written to the Speaker of the House of Commons, requesting him to state to the House, that they desired no increase of salary whatever. His grace stated, that very soon afterwards, in March 1782, a patent passed, granting the chief justice of the Common Pleas a farther addition of 1000*l.* a year. That addition was given by the crown, as his grace contended, in direct opposition to the spirit of the act of William 3; for it was idle to talk of having the judges' salaries fixed and ascertained, if the King, whenever he chose it, could give an addition of 1000*l.* a year to any one judge. If it could be done to one, it could be done to all; and every one of their lordships must see, that if the crown had such a power, the judges were no more independent now than at any period before the Revolution. His grace said, there were but two means of dependency—men's hopes and fears. The Acts of Will. 3, and 1st Geo. 3, had effectually taken away the fears of the judges; it no longer resting on the will and pleasure of the crown, whether the judges should continue in office or not. But unless their hopes were also removed, the work was but half done; and it was from a consideration of that circumstance that he had been prompted to bring the subject before their lordships, and that especially by the commission lately issued to three lords, in whose care the great seal was at present entrusted. His grace gave a detail of the several commissions issued for this purpose for many years past, as well before as since the Revolution. He stated, that commissions of the great seal had passed in 1604, 1606, and 1640. He stated also those since the Revolution, and said, the judges in the present commission were obviously selected by favour, and not by rotation or seniority, which of itself was a circumstance that materially went, in his mind, to affect their independency. He mentioned the great emoluments that were supposed to accrue to the holders of the great seal, and which, superadded to the salaries enjoyed by the commissioners in their capacities of judges, gave them advantages which could not but tend to raise the hopes of judges in future to enjoy the same, and consequently placed them immediately within the influence of the crown. He meant not to insinuate any thing to the prejudice of the present commissioners of the great seal: he must do them, and the judges in general, the justice to own, that he believed there never was on the bench a set of more incorruptible and deserving men; men whose characters were not liable to the smallest impeachment of any kind whatever. He spoke what he had said respecting the present commission, merely from feeling for the consequence of such a practice prevailing. He did not mean to blame the measure; he was aware it was by no means a new one.

He might possibly be asked, how would he remedy the grievance he complained of? He owned, he was not prepared to say how; but that was no reason why the matter should not be taken into consideration. In one of the old commissions, three lay lords had been joined with the master of the rolls for the time being. In another, serjeant Maynard and other serjeants had been the commissioners. He was not prepared to say what commissioners would be the most fit; but sure he was, that to select judges by favour to sit as commissioners, and to give those judges the salaries and emoluments arising to a lord chancellor, was materially to affect their independency. If judges must be chosen for commissioners, and if they had leisure enough from the business of their own courts to do the duty, let them do it without any additional salary or perquisite, and then he should be ready to admit his objection was done away. He said, he must beg leave to view the raising the hopes of judges as a means of lessening their independency in other lights, and as arising from other circumstances. One was, that of granting commissions like that under which the present chief justice of



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the King's-bench sat as Speaker of the House of Lords. He knew the noble earl's commission was not a new one, but of long date; but still that appeared to him to be a mode of reward dependent on the will and pleasure of the crown; and therefore such a mode as went in contradiction to the idea of having the judges' salaries fixed and ascertained, and their independency secured. Another matter that struck him likewise was, the judges sitting in that House as peers. He did not mean to say, that the highest honours the crown could bestow should not be open to the law as well as to every other profession; all he wished was, that while lawyers sat on the bench as judges, they should abstain from exercising their privileges of sitting, debating, and voting in that House as peers. His grace said, the best writers had agreed, that those, whose business it was to expound the law, ought not to be legislators. The characters of a judge and a politician he held to be incompatible. Baron Montesquieu, in his chapter of the constitution of England, had these remarkable words upon the subject: "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner." Again, "there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression." An English writer also, of acknowledged ability and authority, Mr. Blackstone, says, "Nothing is more to be avoided, in a free constitution, than uniting the provinces of a judge and a minister."

His grace reasoned on these remarks for some time, and took notice of the slender and very extraordinary ground on which the judges were excluded from sitting in the other House of parliament. He said, it was by no law or act of parliament, but by a single resolution of the House of Commons. In order to illustrate this matter, his grace read an entry from the Journals of a whole day's proceeding, which, according to the custom then prevalent, was entered extremely short. The entry was of a report from a committee of privileges in November 1605, which stated the names of several members, representatives of Calne, Southwark, &c. who had absented themselves from parliamentary duty, together with the reasons made known to the committee for their having so absented themselves. One was a captain in the army, another a gentleman full of age and infirmities, and others judges. The House, after some debate, resolved that the captain should do his duty, and continue to serve as a burgess; that the member for Calne, on account of his illness, and not being likely to recover, should serve no longer; and that the judges, who pleaded that they were attending the House of Lords, should not be recalled. Upon this single resolution it was that the judges had never sat in the House of Commons since. He also said, that the attorney and solicitor general were likewise formerly excluded from the Commons; but that it appeared from an entry on the Journals, that they obtained their right of sitting as members afterwards; the entry he alluded to stating, that Mr. Attorney, by connivance, walked in and took his seat. His grace stated, that nothing was more easy to be evaded than the resolutions of the House of Commons; or, indeed, resolutions of either House of parliament. He reminded their lordships, that the attorney and solicitor-general were entitled to seats on the woolsack; and, by a resolution on their Journals, they were forbid to plead at their bar: but that resolution was evaded by their putting their writs in their pockets, and never taking their seats; the resolution going, that they should not be heard at the bar of that House after they had taken their seats in it. His grace urged this by way of strengthening his argument, that while peers continued judges, they ought not to sit as peers; and he contended, that while they did sit there, they necessarily and unavoidably became politicians—a character which, he thought, a judge ought not, by any means, to condescend to undertake. Among other reasons why lords chancellors and lords commissioners ought not, in his opinion, to sit in that House as peers, it struck him as highly irrational, that they should sit upon their own decrees, and, as it were, try themselves. He mentioned its having been often boasted, that lord Hardwicke never had one of his decrees reversed during the long

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time he sat upon the woolsack. He had always considered that assertion as no compliment to lord Hardwicke, and as a fact that proved too much for those who used it in triumph. Did their lordships think lord Hardwicke so infallible, that in all the length of time he sat on the Chancery-bench, he had never once given an erroneous judgment? Or must not their lordships rather concur in opinion with him, in supposing that the true reason why no one of lord Hardwicke's decrees was reversed during his continuance on the woolsack, was the great influence a chancellor of lord Hardwicke's abilities must always possess in that House? In support of this opinion let it be remembered, that when lord Henley sat there as lord keeper, he had the misfortune to have several of his decrees reversed; but from the time that he became lord Northington, and was created a peer, having then an opportunity of talking a little to their lordships about his decrees, no more reversals were heard of. In all cases of appeal, their lordships well knew it was, for the most part, customary to leave the judgment to the law lords; very rarely it was that the lay lords interfered; nor was it very common for the House to have the assistance of the learned bench opposite to him, for four of that bench to rise and give their opinions one after another, and for thirteen or fourteen of them to vote in support of those opinions. The impropriety, therefore, of law lords trying over again the causes they themselves had adjudged, must strike every noble lord present; for notwithstanding they had heard the other day a learned lord declare, that he had no conception that there could be a judge who did not, when he came to sit upon an appeal in that House, divest himself of every idea formerly entertained by him upon the subject; and notwithstanding he was far from disputing, that the learned lord in question entertained such an opinion as he had stated, and thought it practicable, he must be allowed to consider what human nature was, and to judge accordingly. It appeared to him actually impossible for men to divest themselves altogether of what he would call honest prejudices; on the contrary, he was ready to agree, that it was even laudable for judges to adhere to opinions grounded on what they had persuaded themselves was strictly right. Without, therefore, at all censuring any judge for what was past, he would only say, that he trusted their lordships would all agree with him, that the source of justice ought to be kept pure; and for this reason it was that he wished, for the future, proper measures might be taken to remove the hopes as well as the fears of judges; and he thought no better means could be adopted to effect this purpose, than by teaching them to rest satisfied with their judgeships. At the same time he meant not to narrow their incomes; if they had not sufficient at present, by all means give them more. The salary the puisne judges now received, according to the consent of parliament, amounted to 1,400*l.* per annum, out of which they paid the taxes; but then their chamber practice, he understood, brought them in between 400*l.* and 500*l.*; so that they were supposed to receive a net 2,000*l.* a year. Should that not be thought an adequate income for a judge, he would readily give his consent to increase it; but it appeared to him as absolutely necessary that the spirit of the 13th of king William should be adhered to, and that the judges' salaries should be fixed and ascertained.

His grace said, his intention was to move, that a committee be appointed to enquire into the independency of the judges, and into the best means of securing it. He was, however, aware, that a naked vote of that kind would be held objectionable, and deemed unparliamentary. He, therefore, meant then to move a resolution, stating, in substance, "That putting the seals in commission *durante bene placito*, and appointing judges commissioners, with large salaries and perquisites, to be received by them during the existence of a commission, originating in, and solely dependent on the will and pleasure of the crown, tended to invalidate the Act of the 13th of William 3, for securing the independency of the judges." He would not make either motion just then, though it might probably be the more regular mode of proceeding; but he wished to hear if government had any intention of taking up the subject themselves. Should that be the case, or should he be afforded a single ray of hope that they had any such design, he would readily forego any motion, being perfectly conscious that government could accomplish the object with more ease and certainty than he could pretend to, by the scanty knowledge which he had, and the still less influence in that House. His

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grace, finding no one would rise to give him his wished-for information, moved his first resolution.

The Earl of *Abingdon* said: Considering as I do the motion made by the noble duke, in the light of a ministerial selection of the judges of the land, not in the order in which they stand, and according to that claim of seniority which would seem, both in law and equity, to give them a right of preference to the holding of the great seal in commission; but with a view to party motives, time-serving purposes, and factious ends; and thereby aiming at the disturbance, if not the destruction of that independency, not only so essential to the fit distribution of justice, but which his present Majesty, in the true spirit of a patriot king, had so graciously willed to establish; whilst I rise to give my hearty concurrence to it, I shall beg leave to trouble your lordships with a very few words; upon that event which, having taken place, has proved the cause of which this motion is the effect only. My lords, I allude to that infamous and ruinous coalition of parties, by which this country has been lately so murdered, cursed, and damned. Infamous, my lords, because we are held up in infamy, disgrace, scandal, detestation, and abhorrence to all the rest of the world;—ruinous, because it has shaken the government of this country to the very corner-stone and foundation of its overthrow and ruin: a coalition, which makes us ashamed of our very selves, which has blighted the hopes of our salvation from anarchy and confusion, which has stained and polluted the honour of this House, which has taken majesty in captivity, and wrested from the throne the rights belonging thereto; a coalition that has written in great and golden cyphers its own life and history; for it was gold, it was the *auri sacra fames*, and nothing else, my lords, that gave being to this connection, that gave birth to the monster. A coalition, therefore, that has planted a dagger in the bosom of all public virtue, that has made us to know that whiggism, boasted whiggism, is no more than a ladder formed to climb over the backs of the people to power; and when arrived there, is that scourge of humanity, is that bitter enemy to the rights and liberties of this constitution, is even toryism itself.—Fie, fie, my lords, on such a degradation of the old whig interest of this country, as it has been falsely so called! That vice should coalesce itself with virtue, is not to be wondered at; that the noble lord in the blue ribbon, in the other House of parliament, who has lent himself by his example to prove, that all public virtue was nothing but a public cant and catch-word, a mere 'vox et preterea nihil;' who has rent and torn the empire into pieces, even to dismemberment itself, by the tyranny which he has exercised, and the rapine and plunder which he so much encouraged and promoted; that he should wish to assimilate himself with those who had the appearance of holding contrary principles, and by that assimilation to shelter himself under the disgrace of others, is not to be wondered at: but that other lords with blue ribbons, that those who pretend to hold up character as the pledge of their political conduct, should be so wicked, so debased, so degraded, as to become, in the hands of indigence itself, the weak and willing tools of supporting the surrounding wants of beggary, and at the same time to glut the appetite of a dark resentment and malignant malice, is almost too much for credulity to believe; and yet too, in so notorious and shameless a manner! For what is the picture? See, my lords, here it is; coalition riding into power on the back of a peace; a peace condemned for the very purposes of this power; a peace which has not only proved the earl of Shelburne to be, next to the earl of Chatham, the greatest minister and statesman this country ever saw; but, like the earl of Chatham, the once-again political saviour of this country; a peace unpurchased abroad, unsolicited for at home; supported by all the talents, the wisdom, the virtue, the property of the nation; condemned by the reverse of all this; save and except the few, the deluded few, deluded by objects of ambition, to which I trust they never will attain; a peace, therefore, which will bind the temples of my noble friend with that civic crown, as honourable to himself as it will be lasting in the annals and history of this country. And now, my lords, having expressed my honest indignation upon this occasion, whilst I have no doubt but that the House either takes shame to itself, or feels the same temper of mind that I do, I sit down, with the repetition only of my entire acquiescence with the motion that has been made by the noble duke.

The Duke of *Portland* had frequently reflected on the consequences that might attend putting the seals into commission, but could not conceive it would be of that

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alarming nature, as the noble duke, who had made the motion for the regulation, had pointed out to the House; indeed, in the present case, he had too high an opinion of the independency of principle and integrity of disposition of those who now held them, to think it was in the power of any minister, either by promises or threats, to make them act contrary to what they thought upright and just. What the noble earl who spoke last had thought proper to say in condemnation of what he was pleased to term the coalition, should not meet with any contradiction from him; he was satisfied that those who composed the present administration were actuated by the strongest desire to render every service in their power to their country: while they did that, he had not the least doubt but they would be supported by the best characters, and every well-wisher to that country; and therefore he should sit contented under the censure of any mistaken individual. Provided the motion should pass, notwithstanding the noble duke had said it was contrary to his intention, he apprehended it would be understood in the world as an animadversion on and a condemnation of the present measure; he should therefore give it his opposition; and by way of getting rid of it, would move the previous question.

The Duke of *Richmond*, to shew that he had not the least design of throwing any reflection on the present administration or their appointment, and which the noble duke who spoke last conceived would be understood by the words of the first motion, begged leave to withdraw it, and to let the second stand by itself, as the first was only meant by him as the ground-work for the committee to proceed upon.

The Earl of *Carlisle* said, the noble duke had dwelt pretty largely on the impropriety of the judges having any prospect of rising by any other means than seniority; this appeared to him as saying that men who might be worn out by their long services, and who, from age, found their mental faculties on the decline, were the fittest persons to be entrusted with the most active, laborious, and arduous employments that the public interest and welfare were concerned in; it was, besides, taking away all emulation of becoming eminent in their profession, and a total damp to merit, as it was to go unrewarded; while on the other hand, they had now an encouragement to become proficients in their profession, as a certain reward was sure to be the consequence of their assiduities. He defended the principles that had actuated ministers to put the seals into commission, and the right they had to make a choice of whom they thought proper; although so high an opinion had he of the whole of the learned judges at this period, that he was certain it was impossible for them to have chosen improperly. He gave his negative to the motion.

The Duke of *Richmond*, with the leave of the House, withdrew his first motion, and then moved, "That a committee be appointed to take into consideration the independency of the judges, and such farther regulations as may be proper for securing the same."

The Duke of *Portland* said, that for the reasons assigned in his former speech, he must move the previous question upon a motion for which he saw no real necessity.

Viscount *Stormont* was of opinion that the motion, as it now stood, was much more improper that at first; as it went to seek a redress for a grievance, without stating a complaint that any grievance existed. The noble duke had proceeded with a deal of candour, and no doubt had acted solely from those principles which he had stated to the House; but even he knew the necessity that some grievance should be implied before a redress could be sought for, and had therefore at first proceeded in a regular form. He was far from meaning it as a compliment to the noble duke, when he declared, that no member in that House was more regular in his parliamentary grounds for his proceedings; and at the same time he begged leave to say, no man was more happy in discovering grounds to proceed on. With regard to the president Montesquieu, from whom the noble duke had read a quotation, that able writer had expressly declared, that in times of ignorance, or, as he called them, in times of darkness, men were eager to propose changes, and ready to adopt them blindly, and without any consideration of what the consequences were likely to be that would follow; but in more enlightened times, men shuddered at the idea of change; and if a grievance complained of had existed for any length of time, the more wise dreaded to apply a remedy, because, having long suffered the evil, they were accustomed to bear it, and knew its extent; but they knew not the

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operation of the remedy, nor whether they might not lose by adopting it. Before he proceeded farther, therefore, his lordship said, he would lay it down as an unalterable position, that it would be wholly unworthy of their lordships' gravity, to spend their time in searching after imaginary evils, in order to find out a possible remedy. With regard to the commission lately passed for putting the great seal into the custody of the chief justice of the Common Pleas and of two other learned judges, if that tended in any shape to lessen the independency of the judges, he cared not on whom the charge fell; but he would not hesitate to say, that it was a grievous offence. Before, however, any such conclusion was drawn, it behoved their lordships to examine with some precision, in order to find if any premises had been laid down, from whence such an inference might fairly be deduced. With regard to the passage cited from the president Montesquieu, its application and meaning were directly the reverse of those which had been argued upon, as belonging to it by the noble duke. The president was not so ignorant of the English constitution, as not to know, that a judicial was blended with a legislative power of that House; and that their lordships sat there, acting, as occasion required, in both capacities. He never, therefore, could have intended to have applied the remark relative to the legislative and executive powers being united, as the noble duke had applied it; indeed the words of the passage expressly contradicted such an application. There was another part of the same chapter, which was so immediately in point, that he could not suppress his astonishment at its having escaped the noble duke's discernment: it was that passage, where, speaking of the British constitution, the president declares, that the constitution found in the woods (alluding to its German origin) such as it is, was superior, in his judgment, to any plan of government possible to be formed by the most refined speculatists. And a little farther on, alluding to those plans of a constitution most favourable to liberty, which Cromwell, as a stroke of art, had ordered to be given in, he says of Harrington's Oceana, that in his eager search after a refinement on freedom, and being at the same time ignorant of what true liberty was, he had built a Chalcedon with a Byzantium before him. His lordship proceeded to notice what his grace had said of the act of settlement. He declared, that in order rightly to understand the true meaning and construction of that act, it was necessary to know the secret history of it. Those who were acquainted with that, well knew, that the framers of the Bill never meant it to pass, having clogged it with such clauses as they thought must call forth objections that would be insuperable: the true friends of the Bill, however, saw through the artifice; and, as the only means of getting what was desirable, consented to take the bad with the good, and wait with patience till the time should come for their repealing so much as was highly objectionable; a time which they knew must soon arrive, if the Bill passed. There were in it originally several clauses, of the most objectionable nature; among others, one declaring that no person holding an office of trust or honour should have a seat in the House of Commons; and others equally improper. It was no wonder, therefore, that, in an act so passed, what related to the judges should be loosely expressed. His lordship contended, however, that it was never meant to cut the judges off by an act of parliament from hope; and he said, it would have been an endeavour, founded on the grossest illiberality and the meanest tyranny, had such been attempted. He followed the duke in a great part of his reasoning upon the commissions issued in the former periods of our history; and speaking of that which the noble duke had stated to have been filled up with lay lords, said, he hoped he never should have a suit in chancery; but, if he should be so unfortunate, he should think himself still more unfortunate, if the seals were in any hands but those of lawyers. His lordship compared the present independency of the judges with their situation formerly; and in the course of this reference to historical facts, mentioned king William having given his negative to the Bill for settling the establishment of the judges, which, in his reign, had passed the two Houses of Parliament. On that occasion, he declared he thought king William had been very ill advised; but so the fact was. He also mentioned the conduct of James, immediately before the great question relative to the dispensing power came on, when that bigoted prince closeted every one of the judges, one after another, and flatly told them, he would have such judges as acted agreeably to his inclination, and no other. This fact was indisputable; for

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it was admitted by the advocates for king James, in the several pamphlets professedly written in his defence soon afterwards, who all readily acknowledged the fact, and contented themselves with resting his defence for such conduct on the weak declaration, that he had done no more than the sovereign of a neighbouring kingdom had done repeatedly. His lordship very forcibly pointed out this fact, as a proof of the alarming influence of the crown over the judges in James's time, and said, if a shadow of any thing like such a total want of independency could now be adduced, he should think the present motion reasonable, and even necessary.

Lord *Sydney* said, it was strange why the noble lords who had spoken on the subject, should so sedulously endeavour to conceal the real cause of the seals being put in commission. It most undoubtedly could not be for want of persons qualified for the important office of chancellor. But even supposing the contrary, ministry ought not to have been the occasion of the learned lord's retiring, who filled that department with so much credit to himself and advantage to the nation, unless they had good and sufficient grounds for it. As to the motives which actuated them on the occasion, they were determined to leave the House in the dark, and to with-hold from the public that information, which, in common decency, and in common respect to them, they should have made known long since. His lordship proceeded to consider the pension which had been granted to lord Loughborough, which, he said, he should not hesitate to declare to be a very culpable transaction, seeing that it was in direct opposition to the opinion of the House of Commons. He recapitulated the manner in which the matter had been mentioned in the House of Commons, condemned the mode of introducing it, and the thing itself; and after some asperity upon the whole proceeding, reprobated the minister, who, he heard, boasted of being the creature of the House of Commons, for having dared, after that House had rejected a proposition to increase the salary of the learned lord's predecessor, lord chief justice De Grey, as able, as upright, and as deserving a judge as ever sat in Westminster-hall, to grant a pension to the learned lord of 1,000*l.* a year addition, and that with a retrospect. This was flying in the face of the Commons, and that immediately after they had rejected a proposition for a smaller increase to lord chief justice De Grey. He said, the other judges might expect a retrospective increase of their salaries, which, to those who had sat for some years on the bench, would be a pretty present. He farther observed, that putting the seals in commission had always been complained of by the profession as a great inconvenience, and a very improper thing. He had been old enough to have seen the great seal twice in commission before, since he commenced his parliamentary life, and at both times it was thought an improper measure.

Lord *Loughborough* said, he never offered himself to the attention of the House under circumstances that required so large a share of that favour and indulgence, of which he always stood in need, and which he was always wont to experience. Indeed, my lords, he continued, I am in a situation of difficulty; for although personality has been studiously disclaimed, I am sure all your lordships feel, that the question is purely and entirely personal; and that you would not have had the pain of hearing this discussion, had it not happened that my name was found in the commission lately issued for the custody of the great seal. Under these circumstances, it is not easy to say any thing with propriety, and it cannot but be my wish to remain silent. On the other hand, silence would be subject to misconstruction; I have, therefore, only a choice of evils, and, in speaking, choose the least.

The noble duke has some little reason to complain of my noble friend near me, (lord Stormont), who, imputing to him a proneness to speculation, and a love of innovation, has charged the noble duke with a desire to introduce, on this occasion, a theory of his own to your lordships. My lords, this is no proof of the noble duke's wish to establish a theory, for certainly theory is a term by no means applicable to the noble duke's motion; neither is the noble earl (of Carlisle) on my right, or the noble viscount, in any degree inconsistent, when the first represents the motion as highly objectionable, though preceded by that which the noble duke at first proposed to preface it with, but which he has since withdrawn; and when the other represents it as, if possible, still more liable to objection, without that preliminary. In a theory, my lords, I

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have been accustomed to look for something that has system, or arrangement, or method, or design, or plan—something that at least represents what is to be practised—something that, if the theory professes to be a corrective and improvement, shews what is amiss, and points out the manner in which it is to be reformed. But what, my lords, has the noble duke told us? That there is a possible remedy for an imaginary grievance; neither demonstrating the existence of the grievance, nor showing us in what it consists; nor even being able to tell us what is his remedy for this grievance, unascertained, undescribed, and only existing in imagination. There is a possible remedy not described, explained, nor hinted at, concerning which the noble duke has not even given your lordships any grounds for conjecture, and which he does not pretend yet to have discovered himself; but there is a possible remedy—for what?—for an imaginary grievance, for that which he does not affirm to have existed as a grievance in fact and experience, for that which has been practised whenever the crown in its discretion hath thought proper, with the approbation of all times—uncensured and uncomplained of at any time; in which practice the noble duke does not pretend that there has been any thing grievous to the subject, and from which experience, that infallible test of political truth, has not shewn any one inconvenience to have resulted. Your lordships, then, are gravely called upon to look out for a possible remedy for an imaginary grievance, by a motion built upon no basis, to which no foundation is laid, and which stands in air. Before your lordships proceeded to such an enquiry, you would doubtless think it for your dignity, as well as your wisdom, to have the existence of some evil ascertained.

The noble duke has indeed stated a variety of vague and general observations, applied to no one given case, nor applicable to any thing that has actually happened. He does not see any thing that has actually happened; he does not see any thing defective in the present constitution of the judges, nor in the exercise of the authority committed to them. But to cure a disease that has no existence, and to remedy a grievance that is not felt, he thinks it absolutely necessary to eradicate from the human mind hopes and fears, to bear away that which is inseparable from it, and on which perhaps much of what is valuable in it depends. My lords, persons who have speculated upon the mind of man, have represented it in very different lights: some have conceived of it every thing that was worthy and amiable—every thing consistent with the most perfect rectitude, and most upright integrity: others, of a more misanthropic turn of mind, and less amiable cast of temper, have treated it as naturally the most worthless and wicked, necessary to be bound down by every chain of law-regulation, and only made to consist with the ends of society by the force and effect of penal regulation. Which of these moralists be right, it is of little importance to enquire; to them such disquisitions have been confined, legislators having rarely or never adopted them, but contented themselves with the application of law to any ill habit of the mind, as it became predominant, and inconvenient to the just and rational ends of government.

But the noble duke thinks that the hope of being in a commission, which very rarely issues, and is of very short duration when issued, and the fear of being removed from that commission when in it, may, at some time or other, affect the dependence of the judges on the crown, and operate as powerful temptations to servility and corruption. Upon this argument I shall trouble your lordships with some observations before I sit down. But I must first beg leave to clear my ground, by disposing of a subject which, very contrary to my expectation, the noble duke has introduced, and which certainly does not necessarily belong to the subject immediately under discussion. Indeed, my lords, I flattered myself, that what passed upon this subject, on a former occasion, had precluded all farther conversation upon it, whatever might be the disposition of personal pique or party prejudice to revive it; your lordships know, that I allude to the augmentation which his Majesty was pleased to make of the salary of the chief justice of the Common Pleas, since I had the honour to be appointed to that office. I am the more surprised that the noble duke should think it necessary again to bring forward this subject, because I really imagined that, upon the former occasion, the account between the noble duke and me had been completely balanced, and that I was nothing indebted to him on that score. Upon this conduct of the noble duke, incidents of a peculiar nature, which have fallen out since, and in which

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I had no share, will restrain me from saying one word by way of comment, criticism, or note of observation. The matter I am entering into is of extreme delicacy to me; and it is the more painful to me, that upon the former occasion it received an ample, and I then thought, a most satisfactory explanation. I must therefore rely on the candour of your lordships, not only to recollect what then passed, but to indulge me in your attention once again to a repetition of it.

Lord Loughborough then stated every thing that related to the augmentation of the salary of the chief justice of the Common Pleas, detailed all that had passed in the House of Commons upon the question of the increase of the judges salaries, and corrected several very important mistakes in the account that had been given of it. Among other things, he said, it is not a fair or correct state of it, to say that the augmentation was made against the sense of the House of Commons; the sense of the House of Commons was never declared upon the subject. The noble lord, my predecessor, who did not stand higher in the estimation of any of their lordships than in mine, from motives of delicacy did not chuse to suffer the question, in which he was immediately concerned, to be agitated in parliament. Even that noble lord, who stood so high with the public, was averse to having his great name and respectable character tossed, as was said, upon the waves of the House of Commons, and the business was suffered to be got rid of by the previous question. And in the little conversation that was held upon it in the House of Commons, no doubt was expressed either of the propriety or legality of an augmentation; but it was suggested, that it belonged to the crown to do it, and that it should be at the expense of the civil list, it being one of the expenses for the purpose of defraying which the civil list had been settled on the crown. So little foundation was there for saying this augmentation was made against the sense of the House of Commons! As far as he could be supposed to be personally concerned, he was not ashamed to have followed the example of lord chief justice De Grey.

As to the augmentation itself, if the person who now held the office were alone considered, it was to be sure much beyond his desert; the former appointments were beyond what he could claim any title to. But if their lordships forgot him, as he trusted they would do, and attended to the nature and rank, the duties and dignity of the office, he believed it would not occur to any one of them—he believed it never had occurred to any man who had the means of forming a judgment; he was sure there was not a professional man in Westminster-hall, who thought that the augmentation which had taken place, made the emolument of the chief justice of the court of Common Pleas beyond what was proper to preserve the respect and dignity, and to secure the integrity and independence of so high and important a character.

As to himself, when he agreed to accept that high honour, he quitted a very respectable, and certainly very lucrative situation in the profession; and (as was notorious to many persons) he was given to understand, that the appointments of the high office he was to be raised to, either were, or if they were not, were to be made, permanently equal to what every man felt to be proper for it. Under this assurance, he had certainly accepted the great honour which was offered to him; and had quitted the office he then held, and renounced all the advantages attending the practice of his profession. That which may be done at any time, is very apt to be delayed. It did happen, that from several accidents (which he explained), partly, too, perhaps from inattention, he was near a year and a half in the office before he either knew what the appointments were, or upon what footing they stood; in short, he had not received any part of his salary: and when, at last, they were examined into and understood, and the necessity for the augmentation was known, and the extent of it ascertained, incidents, of little importance in themselves, had occasioned it to be delayed to the time when it actually took place. When it was done, it was not given to him personally and individually whilst he held the office of chief justice of the Common Pleas, or otherways; it was no partial or particular appointment; it was annexed to the office of chief justice of the Common Pleas, and was to go to all his successors in that office equally as to himself. And as he came into the office upon the understanding before mentioned, and accident alone prevented the actual accomplishment of what was always intended, the augmentation had been made to commence from the time of his appointment.

Begging pardon for this digression, he returned to the noble duke's motion.



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Since the accession of the present family to the throne, the great seal had been, before the present commission, but four times in commission. He did not speak of one commission previous to that period, at the head of which the noble viscount had said a lay lord was placed—it was of the duration but of a few days; and the noble viscount was mistaken, in supposing a lay lord was at the head of it. The noble lord at the head of it, was not then in a professional office; but he had been an eminent professional man, and at the head of the court of Common Pleas, though he had then retired. He should examine, by recurring to the particular instances, whether the commissions which had been issued, had affected the independence of the judges, or been attended with any one public inconvenience. He then went through the four commissions particularly. Your lordships, he said, must have expected, that the noble duke would have shewn, either that the independence and integrity of the judges had been affected by the commissions formerly issued to them for holding the great seal, or that there was something new and peculiar in the present existing commission, that rendered it particularly obnoxious to censure and animadversion. No man knows better than the noble duke, as a parliamentary debater, how to take strong ground, or to support himself by argument, where the nature of the thing admits of either; and his silence on all these, the only topics that could weigh with your lordships, carries the strongest conviction to my mind, that all the noble duke's attention and diligence have not been able to collect any one fact, or discover any one reason, that can be offered as a foundation for the present motion. As the noble duke has forborne to offer any thing, where are your lordships to look for proof, that the independence and integrity of the judges are not sufficiently secured, and that your lordships' interference is necessary? Upon that subject there can be but one wish, one sentiment. All who have any affection for the constitution or reverence for the laws, all to whom the equal and impartial administration of justice is dear, must sincerely and cordially unite in desiring this independence. But who is the man, who will be bold enough to affirm that it is wanting? Who will venture to arraign the conduct of the judges? or who will say, that at this period they are less independent than they have been at any time since the Revolution? If we refer to historical testimony, that speaks decidedly against the noble duke's insinuation; the acts to which the noble duke has alluded shew, that it has been the peculiar care of this reign to confirm and strengthen their independence; and all the measures taken from the Revolution to the present time warrant this conclusion, that that independence is at this moment more carefully and effectually guarded than at any time heretofore. Has there, then, been any thing in these commissions hurtful to the independence of the judges? Let us, my lords, appeal to fact and experience. Did any of the former commissioners betray an improper disposition towards the crown, or shew less firmness and rectitude of conduct for having been in those commissions? In the first commission were sir Joseph Jekyll, lord chief baron Gilbert, and lord Raymond. Was sir Joseph Jekyll a pliant and accommodating character? Directly the reverse: he was inflexible to a proverb. Were the other two? Their integrity and independence were as unshaken and as unsullied as their professional reputations were high and great; and no doubt had at any time been insinuated against any part of the characters of either of these three most respectable men. The three next commissioners were lord chief justice Willes, sir Sidney Stafford Smythe, and sir Eardley Wilmot. Did their characters afford any thing to fasten on? Nothing could be more fair and spotless. The two first were well known to have been men of the most firm and erect minds. The last was a judge of the first abilities and most elevated spirit: and it is most sincerely to be lamented, that bodily infirmities should have brought upon the public the misfortune of losing such virtue and such talents; but for this misfortune the public service would find in this character either a chancellor, or any other great law officer that its emergence should require.

He then enumerated the commissioners in the other two commissions, and examined all their characters separately. Among them, he particularly noted sir Richard Aston, whom, he said, he had long known, and with whose habits of thinking he was perfectly well acquainted; a more upright character had not been in Westminster-hall. Of the judicial conduct, worth, and integrity, of another person in one of these commissions (lord Bathurst), his tongue could not utter what

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his heart felt. He could not, he said, help remarking to their lordships, that so far from its having been a rule, as had been most mistakenly represented, that the discretion of the crown should be directed in the selection of commissioners, by a regard to seniority among the puisne judges, that it so happened, that in no one of the four instances was the senior puisne judge taken from any of the courts to be a commissioner.

He then spoke of the present judges in general; and took occasion to pay a tribute to the chief baron, in terms better conceived and more elegant than any thing of the kind we remember. He introduced it, by observing upon the duke's having condescended to allude to his Majesty's having been graciously pleased to confer the high dignity of a peer upon himself. He said, if he were not otherways wholly undeserving and unqualified for so high an honour, he flattered himself their lordships would not think his having been intrusted with an office of such high professional trust and rank as he held, that of chief justiceship of the Common Pleas, rendered him so. Their lordships and their predecessors had not thought so in the cases of his predecessors, lords Trevor and Camden. In his particular instance, he said, accidentally their lordships would derive a great advantage from it; for they would hear the opinions of the judges delivered by the chief baron of the Exchequer, whose native and inherent modesty restrained him upon other occasions, when the same necessity did not compel it, from displaying the profoundness of his learning and extent of his judgment. He spoke with great kindness and affection, as well as high respect, of Mr. Justice Gould, and the rest of the judges of the court in which he presides; and, among other things, said, that the public had obligations to those through whose means Mr. Justice Heath was placed upon the bench. As to himself, he could only say, that since he had been appointed to the office of chief justice, he had diligently and punctually attended the duties of the office. How he had discharged them, it was not for him to determine; but he believed he might, without presumption, say, that neither in his court, nor in that of the noble lord upon the woolsack, did any suiter wait for that justice which it depended upon them to administer. Setting one person in the present commission out of the question, he did not doubt that those who spoke of it hereafter, would say of it, what he had been able to say of the commissions that preceded it; it had yet existed too short a time to say more of it. Its character yet remained to be formed; it was before an enlightened public, and a learned and critical bar, and it would be judged impartially and correctly by its conduct. All he could individually answer for, was his industry, and the intentions he brought into the commission, faithfully to attend its duties: how these would be fulfilled, time alone must shew—others must judge.

He then returned to the motion, and after some other discussion of it, concluded by observing, that even in these days, when nothing, however valuable and respectable, was sacred, when calumny scattered its poisoned arrows with so indiscriminating a hand, not the scowl of envy, not hatred, malice, nor all uncharitableness, had been able to cast any stain to, or fix any reproach upon the judges. He should vote against the motion, because it was founded on nothing theoretical nor practical; because nothing had been offered to shew the necessity or expedience of their lordships' interposition; because no good end could be answered by it; and because every public, every just, every laudable motive concurred, not only to the rejection of questions that tended to an indirect imputation upon the characters of the guardians and interpreters of the laws, but also to the upholding and maintaining them in that high and distinguished public estimation which they now enjoyed, and which their conduct had so amply and honourably earned.

The Duke of *Richmond* replied, and called what the noble and learned lord had said, an appeal, not to the passions, but to the feelings of their lordships. His grace said, if he came directly to the point, and alleged any specific fact as a subject of a motion, it was directly termed a personal attack; if he spoke at large, without taking certain data, then his arguments were called theoretical and speculative. There was but one other way, and that was, stating that persons of the profession complained of the late commission, as affecting the independency of the judges. Should that be the case, what turn would then be given to his arguments? His grace reminded the House of his disavowal of any personal intention in bringing forward the present question, and declared, upon his honour, he had no

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such intention. He said, at the same time, he cared not whether he was believed by some noble lords or not. He replied to many parts of lord Loughborough's speech, and, in particular, to that part of it in which he had talked of his pension of 1,000*l.* a year. The duke said, however the majority of parliament had approved of that measure, or might approve of it now, neither the duke of Portland, earl Fitzwilliam, and lord Keppel, had approved it at the time; nor, in short, the greater part of the present cabinet. His grace declared, it was idle to expect success in any plan of reform which administration would not countenance; and therefore, since the noble duke at the head of the Treasury declared he agreed with him in many of his principles upon the subject, but had not made up his mind to the proper remedy, he cared little how his motion was disposed of; he considered the getting rid of any motion by a previous question as a rejection as much as a direct negative, and always had done so.

The previous question was carried without a division.

*Sir Thomas Rumbold.*] June 2. Mr. *Dundas* stated to the House, that the evidence in defence of sir Thomas Rumbold and Mr. Perring being finished, it would be necessary, before the House could proceed any farther, that the said evidence, and also the evidence in support of the prosecution, should be printed for the inspection of the House, especially as, during the time it had been delivered, the House was so thinly attended as frequently to be counted out: therefore, as there was a real necessity to have the evidence printed, and as that could not be done in a short time, it being so voluminous, he trusted the House must see the utter impossibility of proceeding any farther this session; but the evidence being printed, and in the possession of each member, those who did not hear it, might, at their leisure, read it; and then when the question came to a decision, each person would be able to give his vote agreeably to his conscience. But the putting off the business to next year, would lay the House under the disagreeable necessity of bringing in another Bill of pains and penalties to restrain sir T. Rumbold, for one year more, from quitting the kingdom; therefore the motion he had to propose was, "That leave be given to bring in a Bill to provide that the proceedings on the Bill now depending in parliament, for inflicting certain pains and penalties on sir T. Rumbold, bart. and Peter Perring, esq. for certain breaches of public trust and high crimes and misdemeanors, committed by them whilst they respectively held the offices of governor and president, counsellors and members of the select committee of the settlement of Fort St. George on the coast of Coromandel, in the East Indies, be not discontinued by any prorogation or dissolution of Parliament."

Mr. *Kenyon* seconded the motion.

Earl *Nugent* opposed it, as he did not think the House competent to decide upon it: there was no law existing to try such a cause; and therefore, whether sir Thomas was guilty or not guilty, in his opinion he ought not to be tried. If there was no law against murder, he should think a man having committed murder by no means ought to be punished.

Sir *P. J. Clerke* was nearly of the same opinion.

General *Smith* thought the House should proceed as far as they were able this session.

Mr. *Sawbridge* said, he was against the mode of proceeding at first—he thought it cruel and unconstitutional; and to prolong the business, and keep the gentlemen in torment until next year, was totally subversive of every principle of justice or humanity.

Sir *T. Rumbold* made a most pathetic speech, wherein he stated, that a Bill to restrain him had been brought into the House in April 1782; and notwithstanding the House sat until the middle of July, nothing was done. This session, the House met in November; and frequent delays had been occasioned, sometimes by there not being sufficient members to constitute a House; another time, a delay of a month, to oblige a counsellor: in fact, the business had been delayed much against his will; and to put it off until next year, would be a cruelty he did not expect to have experienced. He described his sufferings in strong terms, and very affectingly alluded to the manner in which Mr. Burke had treated him in that House, comparing it with the humanity he had of late so powerfully extended to others, standing, as he stood, in the light of persons accused only, but not proved criminal. He said, if that gentleman had visited his house, as he had been known to visit that of other people, he would at times have witnessed scenes that would

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have touched his feelings, and shocked his sensibility. He called upon ministers for their own honour, for the honour of that House, for the dignity of its proceedings, to use their influence to accelerate his cause, and, if possible, to bring it to a decision in the present session. He stated, that the great bulwark of our liberties, Magna Charta, expressly declared, that the subject should experience no delay of justice. He applied this sentence to his own case, and shewed, that there had been a cruel delay of justice with respect to him. He implored the House therefore to proceed; he said he feared not their award, he relied on their justice; he only wished to know his sentence. In God's name let them put an end to the business speedily, and either send him to condemnation or acquittal; either clear him to the world, or brand him with the guilt he might be thought to deserve! Whatever the judgment of the House might be, he wished it to be pronounced; they might rest assured, he would not shrink from it. Late as the session was, he was confident there was sufficient time to have the evidence printed, and for the House to decide upon it; and either acquit or condemn him, as they found he deserved.

Mr. *Fox* said, in his opinion, it was necessary to have the evidence printed, not only for those to read who did not attend, but for those who did attend; for it being so voluminous, and given at so many different times, many parts of it, he made no doubt, had escaped the memory of the most close attendant to the business; therefore, if there was not time to print it, and decide on it this session, certainly it was good reason for putting it off; but if, on the contrary, it could be printed, and there was time, by all means it ought to be proceeded upon. He declared, he had never acted upon the subject of the hon. baronet's cause as a minister, nor would he ever attempt it. The cause was that, of all others, upon which every sort of influence ought to be avoided, and upon which gentlemen ought to act with the purest freedom and independency, taking nothing for their guides but reason, candour, and justice.

Mr. *Rigby* perfectly agreed with the right hon. Secretary; but before that question could be properly decided, it would be necessary for the House to know how long it was intended for parliament to sit. He owned himself an enemy to the mode of proceeding; and said, that he was convinced, that whenever the business came to a conclusion, sir Thomas would stand acquitted. If they were to sit six weeks (as he should suppose they were, from ministers declaring that they had many important matters yet to bring on), he thought they ought, in justice to the hon. baronet, to go on; the evidence, he conceived, might be printed in a week, and in five more they might make a considerable progress. The motion was strangely worded, and contained a palpable absurdity. To continue the Bill in existence, even if a dissolution of parliament should take place, struck him as extremely ridiculous, and very extraordinary. Were they to bind 558 other persons to abide by the evidence which they only had heard, and not those persons?

Mr. *Burke* was of opinion, that sir Thomas was by no means so hardly used as he expressed himself; for he had the kingdom to range in, he had a part of his fortune appropriated to the keeping of himself and family genteelly, and he certainly enjoyed the greatest privilege an Englishman, under prosecution, could do—he sat amongst his judges, was competent to speak in his own cause, to vote in favour of it if he pleased, and to plead for mercy in the midst of his trial. In answer to Mr. Rigby's assertion, that it was absurd to bind a new parliament by their proceedings, he said, it was no more absurd than for a person, who had a suit in chancery, being obliged to abide by a decree of the present commissioners of the great seal in a cause, the evidence of which had been heard by the late lord chancellor. The evidence having been all taken down in this case, as in a cause in chancery, it became evidence on record; and any person who read it, would be as competent to pronounce judgment upon it as those who heard it. He declared, he felt extremely for the hon. baronet, who had shewn uncommon fortitude throughout the progress of the business, and thrown himself as fairly on the candour of the House as any man could have done.

Sir *T. Rumbold* said, he by no means enjoyed the liberty imagined; for the governors of the Bank so construed the restraining Bill, that they prevented him from transferring any of his property. To be sure, his credit was so good, that if he wanted 10,000*l.* he could have it from his friends; but then it was at their option.

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He had likewise the kingdom to range in; but his health had been much injured by his mind being hurt, and his physicians had recommended the air of the continent, which he was not at liberty to accept: however, he was determined to submit to the will of the House; and all the favour he asked was, to have as speedy a sentence as possible.

The Marquiss of *Graham* was in favour of the motion; and insisted, that the House had a right to inquire into all the delinquencies complained of, as committed by any of the subjects of the realm in India, or any other foreign parts belonging to the crown of Great Britain.

Lord *North* was of opinion, that there was an impropriety in the word "dissolution" in the motion, as one parliament had no right to make laws to bind another; and in the present case it would be absurd to say, that 558 men should hear evidence, and another 558 men decide upon that evidence: he was, however, for the motion.

Mr. *Strahan* said, the evidence might be printed in 14 days, if the copy was given to several printers.

Mr. *Dundas* said, the copy could not be procured under a great length of time, as it was to be extracted out of a few books, and consequently there could be but few copiers employed.

Mr. *Eyre* desired the clerk to read the act of the 11th and 12th Will. 3, c. 12, which specified, "that all governors, &c. of colonies and plantations abroad, charged with oppressing the subjects under them, should be tried in the court of King's-bench, or by proper commissioners in any county to be named." From that act, he was confident that the proceeding of the House was illegal, and ought not to be encouraged. With respect to the printing, he was of opinion it could be done in a very short time; for he remembered lord Mansfield, said to him in the great cause between the Massachusets Bay and New Hampshire colonies, where a great deal of printing was required, and only three days to do it, "Mr. Eyre, if it must be done, it must be done, Mr. Eyre."

Mr. *W. Pitt* was of opinion that it would be impossible to bring the affair to a conclusion this session.

Lord *North* said, if they meant to dispute the right of the House to inquire into the business, it was a different matter; but, in his opinion, they were competent to decide upon the business; and it must, in his mind, be put off.

Governor *Johnstone* said, that must depend on the duration of the present session; and if ministers would say that it should last six weeks more, he was of opinion that the cause might be brought to a final issue in that House.

The *Solicitor General* said, he had always considered the proceedings against sir Thomas Rumbold as illegal; and he was pretty sure he should not have any reason to change his opinion: he was confident, that when the day of trial should come, the hon. baronet would be honourably acquitted; and therefore he could not, for one, consent that a man, of whose innocence he was thoroughly satisfied from the defence he had heard, should be any longer kept under the terrors of a restraining act.

Mr *Dempster* thought, as the whole of the evidence had been heard, and it was now seen sir Thomas had not been guilty of such enormous crimes but that his visible property would be able to answer, he ought not to be restrained by a bill of pains and penalties, but only held to bail.

The motion was then agreed to.

June 3. Mr. *Dundas* moved to bring in a bill for continuing the Restraining Bill against sir Thomas Rumbold; but as gentlemen had expressed a desire that the private ease and convenience of the hon. baronet might be consulted as much as might be consistent with the attainment of public justice, he intended to give way to their desire. From the schedule of the hon. baronet's property, given in by himself, it appeared that he was possessed of a very considerable property, and that his real property might be fairly valued at 100,000*l*. Now, as this last would, in his opinion, be sufficient to answer the ends of justice, he intended that the new bill should restrain and tie up only the real property, leaving the personal estate open to whatever use the hon. baronet might think proper to make of it.

Sir *T. Rumbold* desired to know if the restraint on his person, by preventing him from leaving the kingdom, was to be continued by the new bill.

Mr. Dundas answered in the negative.

Leave was given to bring in the Bill.

*Debate in the Commons on the Paymaster-general's Office Regulation Bill.*] A motion having been made for the third reading of the Bill, to explain and amend the Act of last session for the better Regulating the Paymaster-general's office,

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Mr. *Estwick* gave a minute detail of various circumstances, which had attended an alteration made in some clauses which had been inserted in the above Bill, on the motion of colonel Barré, when it was in the committee: to these clauses it was generally understood no opposition was to have been given on the report; and yet, to his utter astonishment, he found that three of them had been totally expunged, and a fourth altered, which he discovered when he went to look into the Bill in the engrossing-clerk's office. He instantly made the Speaker acquainted with the discovery; upon which the Speaker addressed him in the following words: "Sir, I have a very great respect for you; but still I cannot believe what I hear, unless I see the alterations you have been speaking of." On this, he produced the Bill to the Speaker; who, having been convinced by his own eyes that the alterations had actually been made, said, he hoped Mr. Estwick would not think that he connived at this business, or had been, in any degree, an accomplice in it. Mr. Estwick complained to the House of these alterations, which he ascribed to Mr. Burke; and he observed, that if an individual member could thus alter the records of parliament, there was no security for the lives and fortunes of the subjects; and in order that persons should be deterred from doing the like in future, he insisted that the clauses which had been expunged should be restored.

The *Speaker* explained the affair in a manner different in many respects from that in which Mr. Estwick had described it. The transaction turned out to be this; that the alterations complained of had not been made in private, but before the House, and before the Speaker, who had put the question on every one of them; but as he understood that the parties concerned were all agreed, and that no opposition was to be given, he had put the question in a low voice, merely loud enough to be heard by the parties themselves, who were at the time round the chair, attending to what was going forward; in a word, the question had been put just in the same manner as in all cases where the parties were perfectly agreed.

Mr. *Burke* said, the fact was just as it had been stated from the chair; the alterations were made in the House by the Speaker, in the chair, in consequence of motions made by himself for that purpose: nothing could have been farther from his intention than to take the House by surprise; but this unquestionably could not be imputed to him, for he had given notice to several members, though it was not as early a notice as he could have wished, because the service pressed exceedingly for the passing of the Bill; and he had learned from the most respectable army agents, that the clauses which had been added in the committee, would, in their shape, have been highly prejudicial to the service. Having, therefore, had a late notice himself, it was out of his power to give an early intimation of it to others; but still it was sufficiently early to take away from all a handle for charging him with having taken the House by surprise on the report. The alterations were not productive of the smallest good to himself, but they were of the highest concern to the public, and had been made on grounds of necessity. One of the clauses incapacitated for ever from serving in any place or office under the crown, any clerk in the Pay-office who should take any fees; he thought this too grievous a punishment, and had moved an alteration, by which the incapacity was limited to three years—a time sufficiently long, in his opinion, for the duration of such a heavy incapacity; but if gentlemen were advocates for the eternity of the punishment, he would give way to them, protesting however against the cruelty of the measure. This brought to his recollection a circumstance that happened some years ago at Neufchatel: a divine of that city, thinking that even the justice of the Almighty ought to have some bounds, and that therefore the pains of the damned could not be eternal, preached up a doctrine, which held out a hope that even the damned would not be eternally damned: this greatly scandalised his auditors; he still adhered to his doctrine, which at last caused a great tumult. The commandant having reported to the king of Prussia, the particulars of the tumult, and the cause that had produced it, his Majesty, willing to prevent the like in future, wrote the following laconic order to the commandant: "Que messieurs de Neufchatel soient damnés eternellement!" This decree, which left the people of Neufchatel to be damned in their own way, restored peace to the city; and he had no objection to follow the example of the king of Prussia, and restore peace, by letting the poor clerks be eternally incapacitated.



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Mr. *Fox* defended Mr. Burke, and handled very severely those who blamed him. He said, that if his hon. friend was to blame in any thing, it was in supposing that he could have met with the least degree of candour from certain persons; and in having imagined that what appeared light and trivial to him, would appear light and trivial to them: he ought to have recollected, that "These little things are great to little men."

Mr. *W. Pitt* said, that the expunged clauses ought to be restored, in order that the consequences that might arise from such a mode of expunging might be prevented: when restored, the House might order the Bill to be re-committed; and then gentlemen would have an opportunity to debate on the propriety of expunging them again, if those which now stood in their place should be thought better; but, at all events, the dignity of the House required that the expunged clauses should be restored. He then attacked the coalition, and warned ministers how they attempted to make a bad use of their ill-gotten power.

Lord *North* repeated the words "ill-gotten power," and admitted, that if a power, acquired in consequence of a vote of that House, condemning the late ministry for having made a bad peace, was ill-gotten, he was possessed of ill-gotten power; but if such a power was constitutionally obtained, as it most certainly was, then he must express his surprise that such an expression could have dropped from the hon. gentleman's lips. It was a little surprising also, that the hon. gentleman had not so much as attempted to prove which would be most beneficial to the public, the alteration made by his right hon. friend, or the restoration of the expunged clauses; this was a question which he had wisely declined to discuss: but he must state this to the House, that his right hon. friend had, by his alteration, made sense of nonsense, and rendered that practicable, which the expunged clauses would have rendered absolutely impracticable. As to the use which ministers would make of their power, he hoped it would not discredit them: they had two great objects to pursue; one was, to do many things which their predecessors had promised to do, but which they had left undone; and the other, to prevent those mischiefs which it was not affectation to apprehend from what the late ministers had done. As to questions of reform in general, he would wait for the decision of time upon their utility, before he would deliver an opinion on that head: there were various opinions among the reformers on both sides; one set were for one kind of a reform, which the other opposed as mischievous: for his part, he would be silent on the subject for the present, as he was ready to say, "Non nostrum inter vos tantas componere lites."

Mr. *Wilberforce* contended, that no individual member had a right to make any alteration in a bill, without the full and public consent of the House. He alluded to the coalition, and was extremely severe on ministers for presuming to term that a personal question, which was in every sense of the word a national one.

Mr. *Adam* spoke strongly in favour of government; but declared, he had but lately come into the House. He retorted on Mr. Wilberforce for what he had said respecting the coalition, and said, the side on which the hon. gentleman sat exhibited a coalition as well as the other; a coalition to the full as extraordinary; a coalition between the learned lord (Mr. Dundas) and the right hon. gentleman (Mr. Pitt.)

The *Lord Advocate* praised Mr. Pitt in terms of the strongest panegyric: he called him the first political character of the age; and declared, he did not expect the public interest would prosper till that gentleman was again in some distinguished office in administration.

Mr. *Fox*, in reply, described Mr. Dundas as a political weathercock, ready to veer with every breath that pointed to self-interest.

Mr. *Hill* said, the question was not, he conceived, which was the best clause, but whether a private member of parliament had a right to alter and mutilate an act of that House: and if a liberty of that sort was once allowed, there must be an end not only of the dignity of parliament, but even of parliament itself. The noble lord in the blue ribbon had on a late occasion spoken much against innovations, but if he could defend the innovations of one member altering the decisions of the House of Commons, there was nothing he would not give his support to. Much had been said during the debate, relative to the coalition: he could say very little on the subject, for he had nearly learned Horace's maxim, *nil admirari*; but, if we took our English poet's translation of these words—

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"Not to admire is all the art I know,
To make men happy, and to keep them so."

there would hardly be a happy person to be found, as he supposed there was not an individual who was not surprised to see those who lately durst not trust themselves in a room together, now cordially embracing each other. The House might suppose that he meant the right hon. secretary for the whig department, and the right hon. secretary for the tory department. He would not deny but he did, and begged to assure the loving pair, that if they agreed for a twelvemonth they should have his hearty vote for the flitch of bacon. He said, necessity was the argument generally pleaded in favour of the coalition; and he firmly believed there was much truth couched under that single word.

Mr. *Estwick* moved for leave to bring up the first of the expunged clauses, which having been granted, the clause was read a first time; but on the question for the second reading of it, the House divided: Noes, 103; Ayes, 75;—Majority, 28. The Bill was then read a third time, and passed.

*Debate in the Commons on the Bill for the Prevention of Expenses at Elections.*] June 6. The order of the day being read for the second reading of the Bill to prevent expenses at elections,

Lord *Mahon* explained to the House, that a Bill having passed to prevent bribery, this Bill was to prevent expense; and although it was not now in the Bill, he meant to propose a clause to prevent cockades being given away at elections. That clause, he knew, was a popular one in that House, he therefore thought it right to tell the House, that such a clause would be inserted in the Bill, though it did not appear in it, for fear any gentleman should object to the second reading, because the cockade clause was not in it at present.

Mr. *Fox* said, the Bill now before the House contained only a few clauses, all of which had, in the course of the session, been regularly negatived by the House; therefore it was strange to bring them in again in a new bill. The noble lord had formerly brought in a bill, some of the clauses of which were received and agreed to by the House, and others rejected; upon which the noble lord had got rid of that bill, and brought in two new ones, putting the clauses the House had approved of into one Bill, and the clauses which the House disapproved of, into another. The former of these had passed, and the latter was the Bill then under consideration. He wished the House to recollect, that the Bill did not contain that grand regulation of preventing cockades; for the noble lord had kept the Bill perfectly pure, having introduced nothing but what had been before rejected: therefore, as there was much business before the House, he thought the time should not be so trifled with, and accordingly moved, "that the Bill be read a second time that day three months."

Sir *Joseph Mawbey* spoke in favour of the Bill; and said, if the right hon. secretary had paid for the cockades used at his last election but one, he would have known, that the giving away of cockades was a heavy tax on the candidate. He understood some friend of the right hon. secretary had defrayed that expense for him.

Mr. *Martin* declared himself a friend to that, or any bill which forbad the giving of cockades at elections. The practice was attended with an enormous expense on the part of the candidate, and led to much fraud and imposition; many haberdashers, upon such occasion, not content with sending in bills at an extravagant price, but often charging a hundred times more ribbon than they ever had in their shops.

Mr. *W. Pitt* said, though every clause as yet in the Bill had been lost in a former Bill on a division, yet that the fact, extraordinary as it might appear, was exactly this; a division took place, and the debate followed; now, as a debate coming after a division was an inverse of the usual mode of proceeding, the noble lord's desire was, that his clauses should be fairly debated first, and be decided upon by a division afterwards. Nor was it the fact, that the whole of the Bill had been rejected, because the noble lord had declared that he meant to bring in a clause to the committee against giving cockades; a clause which could not now be annexed to the other Bill, as that had passed, and which must unavoidably be lost, popular within those walls as it was, unless the present Bill was suffered to proceed. The right hon. secretary had mentioned the much important business that yet remained to be gone through before a period was put to the session; he thought the House ought to know, what important business was yet likely to be brought forward before the House was prorogued.



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Mr. *Fox* replied, that, after the holidays, the Petition from the East India Company would be taken into consideration; besides, ministers might possibly have some other business of the greatest consequence to lay before the House, of which they had never lost sight a single minute. Certainly the cockade clause, not yet in the Bill, had not been rejected by a division of that House; but if that was the only point on which the House felt an inclination to entertain the Bill, why did not the noble lord bring in a Bill upon that clause singly?

The House divided on Mr. Fox's motion; Yeas, 37; Noes, 45. The Bill was, therefore, read a second time. On the 12th, a motion for going into a committee on the Bill, upon that day two months, was agreed to.

*Debate in the Commons on the London Petition against the Receipt Tax.*] June 11. The sheriffs of London presented a Petition from the city against the Receipt Tax, setting forth, "That there are certain clauses and provisions contained in the said Bill, which the petitioners apprehend, in case the same should pass into a law, will be very injurious to the manufactures, trade, and commerce of this kingdom: and therefore praying, that they may be heard, by their counsel, against the said clauses and provisions, and that they may have such relief therein as to the House shall seem meet."

The *Lord Mayor* moved, that it do lie on the table until the report from the committee on the above Bill be taken into consideration; and that then the petitioners be heard, by their counsel, against the said Bill.

Sir *Grey Cooper* said, it was not possible the House could, consistently with their own orders, agree to the motion. In the very best of times, in 1693, a resolution had been passed by that House of Commons, that no petition against taxes, calculated to raise the ways and means for a current year, should be entertained. At that period a number of petitions were presented to the House against the taxes then proposed, when the propriety of the measure, as well as its necessity, struck the House so forcibly, that it was resolved to reject all such petitions for the future. Again, in 1733, when the famous excise scheme was in agitation, a variety of petitions were presented against it, praying to be heard by counsel, but that House set their faces against them. If petitions from the city of London, against taxes of that description, had found their way into the House, it was not because the House ever meant to dispense with this wise order in favour of the city of London, but because the city of London, having an undoubted right to present petitions by the hands of the sheriffs, the House could not know the contents of such petitions till they had been first read by the clerk. This was not the case with any other place in Great Britain; for in any other case, petitions must be read by a member, who could not present them without having first obtained the leave of the House for bringing them up: now, as in the latter case, no petition against taxes such as he had above described, would be received by the House; so the petition of the city of London, after having been presented by the sheriffs, ought not to be entertained contrary to the known order of the House; he therefore moved, That all the words in the motion after these, "that it do lie upon the table," be left out.

The *Lord Mayor* said, that the petition was only against certain clauses of the Bill, and not against the whole of it; as one part of the Bill was for laying an additional duty on bills of exchange, which had been taxed in a former year, he thought the order of the House did not stand in the way of an opposition to the tax by counsel. The city had been heard by counsel against the Bill for improving the house-tax, and why should it not be heard also on the present occasion?

Sir *C. Bamfylde* said, he felt himself in a very aukward predicament: he had, the other day, offered to present a petition from Exeter, similar, in every respect, to that which the House had just heard read from London; but his petition had not been allowed to be brought up.

The *Speaker* explained, that it had been a long practice of the House, in consideration of the importance of the city of London, and out of respect to that city, to receive any petition offered by its sheriffs, without having heard any previous intimation of its contents.

Lord *North* said, the two cases were widely different: when the Bill for amending and explaining the house-tax act was brought in, it was not to raise a supply for the service of the current year, but to make good deficiencies in grants of former

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years, and to make the tax produce as much as it was originally given for; and, therefore, the rule of the House did not apply to such a case: but though bills of exchange had been taxed last year, still, as the additional duty of this year was for the ways and means of this very year, the order of the House applied, in this case, in its full force; and therefore the amendment was absolutely necessary.

Governor *Johnstone* said, he liked the tax very well, and would give it his support; but, as there was a clamour against it without doors, and the city of London had petitioned to be heard by counsel against it, he saw no reason why he should shut his ears against the information that was offered to him. He remarked, that when the taxes were proposed, no objection whatever was made against that on receipts, within those walls. How such a cry came to be raised against the tax without doors, he was at a loss to guess; but it put him in mind of the remark of an old member of that House, who, speaking of taxation, had said, there were but two objects, the commercial and the landed interests. The first of these he had compared to the hog, saying, "if you but touch his bristles with your finger, he'll grunt and begin to roar:" whereas the other was like the sheep; you might shear his wool, and even cut his throat, and yet he'd make no resistance nor any noise. With regard to the practice of listening to no petitions against taxes, he thought it a bad one: how many precedents had he heard stated, to enforce a similar principle, when petitions had formerly been offered to that House from America. It was adhering to that principle of driving away petitions that had lost us America, and nearly ruined this country; he hoped, therefore, that past experience would make us wiser, and that the same fatal path would no longer be pursued. At any rate, if petitions against the taxes were not to be received, he hoped time would be given to get full information upon the subject, that the sentiments of the people might be well understood, their arguments examined, their validity put to the test; and if it appeared that they were mistaken in their apprehensions about the tax, that they might be undeceived, and their errors explained to their satisfaction. If the city of London was suffered to be heard by their counsel against the tax, it would be impossible to refuse hearing the other cities.

The *Lord Mayor* did not imagine that any other city would feel envious if London were permitted to be heard by counsel against the tax. The city of London considered herself as the guardian and protector of the commercial interests of the kingdom; and as her views in the present instance were no other than to prevent the inconvenience to trade, and the burthen upon commerce, which he saw likely to arise from the Receipt-tax, he was persuaded every other town and city in the kingdom would feel their interest to be inseparably blended with that of London, and would support her in her endeavours to procure relief in the instance in question.

Mr. *Fox* said, the city of London undoubtedly had the privilege of having their petitions received without the contents being known; but it was a privilege of little value, for as soon as the contents of the petition were known, the House could refuse to take the petition into consideration; aad in the present instance, undoubtedly the same conduct would be observed to their petition as was to that from Exeter, otherwise it would be a gross partiality, and an insult to other cities: the greater the number of the complainants against the tax, the more it operated in favour of the tax, and shewed that it would be productive; for it was plain, that the tax would not be, as stated, partial, but general; for every person complained of what he thought he should feel: and notwithstanding he entertained petitioning to be the birthright of an Englishman, yet if it was permitted to every person who felt himself aggrieved by a tax, it would be impossible for a chancellor to go on.

The House divided: Noes, 178; Ayes, 15. Majority against hearing counsel, 163.

*Debate in the Commons on the Receipt Tax.*] Mr Ord brought up the report of the committee on the Receipt-tax Bill; upon which

Sir *Cecil Wray* objected strongly to the tax as a partial one; he stated, that it would affect the commercial interest, and scarcely be felt by the landed gentlemen. That it had raised great alarm among his constituents, was an incontrovertible fact, since he had a petition in his hand against it, signed by 4,000 respectable names. In obedience to the instructions of his constituents, therefore, as well as from the conviction of his own mind, he thought it his duty to endeavour to persuade the

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House to reject it, and to prevail on the noble lord at the head of the Exchequer to substitute some other in its stead, that would be likely to prove less obnoxious and oppressive. A noble lord, whom he then saw in his place (lord Nugent) had, on a former occasion, said, that it was wrong to tax the rich, because the taxing the rich was in effect taxing the poor. The tax on receipts certainly was not a tax on the rich, but it was a tax on the middling ranks of people, and very partially and unequally laid. It was a tax which would fall so heavy upon some traders, that he was well assured if it was carried through, they would pay no less a sum than 200*l.* a year to it, which was more than equal to the rents of their houses. All taxes ought to go either to the expenditure or the consumption of the person or article taxed. This he endeavoured to prove was by no means proportioned to the expenditure, but was in fact a personal tax, partially imposed, and severely affecting some orders of men, while others would scarcely feel it. He wished, therefore, that it might be given up, and some other substituted in lieu of it. He should be told, that the session was very far advanced, that ministers had not time to judge what were the fittest taxes to be adopted; but what answer were arguments like those to the commercial interests of the kingdom? The commercial interests had not been to blame for the time that had been wasted in squabbles for power, nor ought they to be punished for the weeks that had been thus lost, when they might have been so much better employed in transacting the national business. That House had been alone to blame; and it was very hard that they should punish others for their own faults. Perhaps he might go farther, and say, that House had caused all the distresses of the country, and occasioned the necessity for so many taxes, by consenting to carry on the American war. That House, then, ought to pay for what it had occasioned: instead, therefore, of a tax that would prove a galling clog to all money transactions, and be an unnecessary source of inconvenience and expense, let them lay on an additional land-tax. The land-tax, so far from being too high, was, in his opinion, much too low. He was not for raising it so high as an hon. friend of his had once proposed (14*s.* in the pound), but he was persuaded it might be raised considerably over its present rate. He knew the doctrine he was advancing was not a popular one within those walls, but it was true nevertheless. Another means of revenue would be produced by abolishing franking. He would have all letters that came immediately to members of parliament, come free—it was necessary that they should do so; but why should they indulge themselves in the vanity of saving others from paying their taxes? The abolition of franking, he understood, would produce 60 or 70,000*l.*; and then the addition of a penny on the postage of all letters would raise as much more; for which purpose he moved that the Bill be re-committed.

Mr. *Fox* said, he rose with some difficulty, as he should be compelled to speak confessedly against the opinion of a very respectable part of his constituents; but it was a doctrine he had uniformly held both in Westminster-hall and Covent-garden, that, in that House, he was to speak his own sentiments; if they coincided with those of his constituents, he should be the more happy; but, in the present case, he would wish to observe, that the public out of doors generally viewed a tax in a false light; they were generally convened together by persons who were interested against a tax, and who stated every objection in their power against the tax, without any person to speak in favour of it; they likewise did not view the tax as they should do, for they were not bound to find another tax in its stead if that was rejected. In that House, the reverse was constantly the case; in that House, being used to such business, and knowing how to judge of the goodness or badness of taxes, they never debated the merit of any tax absolutely and *simpliciter*, but comparatively, and coupled with the idea that a tax productive to such an amount, must be imposed, and a consideration whether that tax was more or less burthensome, and more or less optionable, than any other that could be suggested. In this view of the tax on receipts, it was, that the House had properly and naturally lent it their sanction: they had not, any more than the persons without doors, decided that it was a tax good in itself; such a decision would have been impossible and absurd. No tax could be good in itself; it could only be so far good, as, upon comparison, to be found preferable to others. Upon that ground the opposition in which he had for so many years been engaged had always

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considered the taxes proposed by the minister; they had ever argued them comparatively, but never thought themselves warranted to inflame the people without doors about them; to foment discontents, or create clamour, when they knew taxes must be imposed; and that such ought to have the preference as were likely to be most productive, at the same time that they were not more burthensome than others. That petitions, with large signatures against the tax, were easy to be obtained, was very clear; for there was nothing more required than to draw up a petition, and almost every person would, at first being asked, sign it, as taxes in general were not much liked, and very few persons would stand up in favour of them; indeed, nothing could be said in their favour but the necessity there was for levying them. The hon. baronet, his colleague, was a strong advocate, he said, for laying a heavier duty on the land; in his opinion, that was the most partial tax that could be devised; and he was confident that it never would have been suffered at first, had it not been under the idea of its appearing an equal tax: that it was not an equal tax was very plain, for the landholder first pays for his land, and afterwards contributes equally with every other person to almost every other tax. The worthy baronet also was a strong advocate for taxing according to the consumption: certainly the present tax would operate in that manner, for there could not be a better way of coming at the expenditure than by taxing the receipts, or, in fact, taxing the payment made; and it was a false way of arguing, to suppose that a man of 2000*l.* per annum would not pay more to the tax than a man of 1,000*l.*: it was natural to suppose that he would have double the receipts to pay. The great beauty in the present tax was, that it by no means was compulsory; it was like a commodity brought to market—you might purchase it, or let it alone; you were not compelled to take a receipt, but might purchase without: but it was hardly to be supposed that any man would be so parsimonious, as, for the sake of two-pence, to prevent himself from having an evidence in his possession of his having paid the tradesman for the commodity he had purchased. There undoubtedly was no act existing that compelled a person to give a receipt, of course it was optional; and he would assert that this was a tax on luxury, for a receipt was a thing that could be done without. That the tax was by far more just than an additional tax on letters was plain; for a letter on business of the value of 5*s.* would be taxed equal to a letter on business of 5,000*l.* value: but with respect to the abolition of franking, that certainly was a fair object for the consideration of the House, whether the present times were not such as to induce them to give up that privilege among several others; but if it was to be given up, he hoped it would be done effectually, and not by reserving the privilege of receiving letters directed to themselves free, merely for the sake of saving a few shillings: but even supposing that tax to be adopted, it would by no means answer in lieu of the one in question, as the most sanguine of its admirers did not calculate it at one-sixth part of the present. Another proof of the goodness of the present tax was, that it would be universal in its operation, and fall upon the purchaser, and not the vender of the goods; for the receipt would be required by the purchaser, and of course he must pay for it. Had the stamp been on the bill, it would have been a hardship on the vender, as the person to whom the bill was delivered might, before it was paid, lose the bill, and require another. The tax certainly was better than any addition to the Custom-house duties, as it would by no means increase smuggling, and the exemption of all receipts under 40*s.* particularly guarded it against affecting the lower class. The nation, he said, was already so loaded with taxes, that it was almost impossible to lay on any fresh load but it must be felt somewhere; of course, then, the great object was to lay a tax, so as to make its operation as general and productive as possible; for if a tax was laid to affect only the rich, it was sure not to be productive; and if it was to affect only the poor, it was oppressive.

Earl *Nugent* approved the tax as a wise and prudent measure. It was, he said, in the nature of a general excise, without the odious parts that would attend a tax of that kind. He wished it had been carried farther, and been extended to all receipts of 20*s.*; it would then have produced a vast sum, which would have enabled the minister either to lower the Custom-house duties, or have paid off a part of the national debt; in either case, the poor would have been benefited in the end. He declared himself averse to the Bank being freed for so trifling a consideration as 12,000*l.* per annum. So far from not

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including the poor, he would have made it extend generally to all descriptions of people; and an appropriating clause inserted, declaring that the surplus should be applied towards the discharge of the national debt. Such a mode of taxation would prove highly advantageous to the country, for every man must see, that if the national debt was not diminished, this country could not exist much longer.

Mr. *Martin* said, he had that day received a letter from the trading town he represented, instructing him to oppose the tax, as being inconvenient and burthensome to trade and commerce. It ill became him as a banker to say much on what a noble lord had observed respecting people in that line of business; but he could not help declaring, he thought bankers ought to be regarded in a different light respecting notes and drafts from persons in other professions, and that they were entitled to some particular exceptions in their favour. With regard to franking letters, he had reason to believe the privilege was greatly abused. He had been well informed, that there was a person in the city of London, who publicly declared he would any morning procure as many franks as were wanted, for 5*s.* a dozen.

Sir *George Howard* said, he had likewise that day received a letter from his constituents, instructing him to oppose the tax on receipts. He said, he always considered it as his duty to comply with the instructions of his constituents, and therefore he rose to declare his opposition to the Bill.

Mr. *Beaufoy* said—Sir, I have always understood, and the arguments of the right hon. Secretary confirm me in the opinion, that, as the providing taxes for supplying the necessities of the state is, of all the duties of a minister, beyond comparison the most arduous; so the raising difficulties with respect to the taxes he offers, can be justified only by considerations the most forcible and urgent. This maxim, which ought at all times to be regarded, acquires accumulated force from the present situation of affairs; for, if we consider the embarrassments that must take place, should the taxes, in the present advanced state of the session, any longer be delayed; if, too, we admit, what cannot be denied, the impropriety of allowing the sinking fund to continue the sole pledge to the creditors of the public for the sums we have borrowed; and if we all acknowledge the candour and good intentions of the noble lord who presides in the department of the Exchequer, it is impossible not to wish that the taxes may proceed with expedition. At the same time, it seems to be the wish of the House to obtain every possible information with respect to the probable effects of the taxes contained in the present Bill; and, indeed, it is incumbent upon us, as trustees for the people, to examine, with minute and anxious attention, every law that imposes new burthens on the kingdom; it becomes us to be well assured not only that new burthens are indispensably requisite, as in the present situation of things it is obvious they are, but likewise that those burthens shall be equally distributed. This tax carries, in its first aspect, an appearance of fair equality; yet the citizens of London have declared, that it is partial in the extreme; for that while its burthens will scarcely be felt by the landed interest, they will operate on the commercial as a cruel and intolerable grievance. The judgment of the city of London, deliberately given, undoubtedly deserves attention; for, notwithstanding the censures which the right hon. Secretary has bestowed on such persons without doors as presume to canvass the merits of a tax, I am persuaded the House will agree with me in thinking, that of grievances to the commercial interest, the citizens of London are not incompetent judges. At any rate, as the rules of our proceedings would not permit us to hear them by counsel at our bar, it surely becomes us to proceed in the debate with a double portion of candour. The citizens of London say, that even if the burthen of the tax should fall, as the act intends it shall, not on him who receives, but on him who pays the money, for which the discharge is given, the tax will be unequal and partial to excess; for, to the country gentleman, it operates only as a tax upon income; it does not operate on the property from which that income is derived, it is a tax on the 2,000*l.* a year he spends; but it is not a tax on the 50,000*l.* which his estate is worth. Whereas, to a person in trade, it is a tax on his whole capital; for the whole of that capital, or at least the greatest part of it, he lays out in the course of the year. If, then, he employs 50,000*l.* in his business, it is clear that the tax will operate on the whole of that sum, and of course he will pay to this tax five-and-twenty times as much as the

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country gentleman whose fortune is the same with his. This will be the case if he lays out his capital once only in the course of the twelve-month; but if, as is the case in a variety of trades, from the quickness of the returns he lays out his capital twice in the course of the year, the tax will operate on the 50,000*l.* twice over, and he will pay to the tax not five-and-twenty times only, but fifty times as much as the country gentleman, whose fortune is the same with his. This the citizens of London alledge is hard and oppressive; and it must be acknowledged that there does appear to be much reason in the complaint; for though it should be admitted that this tax is, what the right hon. Secretary calls it, a tax on expenditure, yet it certainly is not what, to give effect to his arguments, it ought to be, a tax on that kind of expenditure which is always connected with consumption, and therefore with income. Such are the objections which the commercial towns and cities of the kingdom make to the tax on receipts, even on the supposition that the expense of the stamp will fall not on the receiver, but on the payer of the money; but they alledge, that cruel indeed will be their situation, if, contrary to the intention of the act, the expense of the stamp should fall on the receiver of the money; and that it will fall on the receiver is, it seems, their decided opinion. The act indeed directs, that the person who pays the money shall defray the expense of the stamp; but it must be confessed, that if the parties themselves do not think it necessary to follow the directions of the Act, there is nothing in the Act which compels them to follow those directions. If the person who pays the money thinks that the receiver of the money ought to furnish the stamp, and the receiver, however reluctantly, agrees to do it, there is nothing in the Act which can prevent the receiver from taking the burthen on himself. It is evident, then, that the question, who shall pay for the stamp? must be determined, not by the directions of the Act, but by the joint opinion of the parties. This being the case, on which of the two parties do you think the expense will fall? You will certainly say, on that party which is most dependent on the other. Is, then, the gentleman dependent upon, or any ways obliged to the shopkeeper with whom he deals? or, is the shopkeeper under obligations to, and in some measure dependent upon the gentleman? Certainly you will say, the shopkeeper is under obligations to his customer, and is so far dependent on him, that, generally speaking, he would consider the loss of his custom as a misfortune; for, as it is by his trade that he lives, the loss of his trade would be inevitable ruin. If, then, any dispute should arise between the tradesman and his customer, which of the two must give way? undoubtedly the tradesman; for though the payment of the stamp-duty is a loss he can ill afford, yet he would rather bear that loss than submit to the loss of his trade, which would completely ruin him. Thus it appears that every gentleman, if he chuses it, may throw the expense of the stamp upon his tradesman. And will he not chuse it? Will he not say, "if I pay you this bill, you must give me a legal discharge?" And, should the tradesman reply, "no, Sir, it is you who must provide the stamp for that discharge;" will he not answer, "what! is it not sufficient that I pay you your money; must I also pay for your receiving it? I shall not trouble myself with providing your two-penny and your four-penny stamps, nor will I pay you for providing them: if you do not think proper to serve me on these terms, there are others who will." In such disputes, the tradesman must submit to a partial loss, or encounter total ruin. Thus it appears that the burthen of the stamp must inevitably fall upon the receiver. The proof that it will do so, is such as, in the common affairs of life, can seldom be obtained—it is demonstration; for it is impossible, from the nature of things, that the fact should be otherwise. Since, then, the expense of the stamp must fall on him who gives the receipt, what will a country gentleman, whose estate is 3,000*l.* per annum, pay for the receipts he gives to his tenants; not forty shillings per annum upon any calculation. Whereas I am authorized to say, that if the custom of the House, on such occasions, would permit the examination of witnesses, it would be proved by evidence at your bar, that the different commercial houses of the city of London will be compelled to pay to this tax from 10*l.* to 200*l.* per annum; an expense that is equal to their house-rent: so that each citizen, on an average, will pay as much to the tax as he pays to his landlord for the rent of the house he lives in. Should the citizens of London ask us "where is the justice of compelling a person in trade to contribute to the public expenses a



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hundred times as much as his fellow-subject, whose income is 3,000*l.* a year?" what answer shall we make to the question? I protest I know not. The right hon. Secretary, indeed, has told us, that a person in trade may always relieve himself from the burthen of a tax, and shift its weight to the consumer. This opinion is a proof that he does not distinguish between the effect of a tax imposed on a particular commodity, and the effect of a tax imposed on the mode of conducting business. If a tax be imposed on a particular commodity, as, for example, on tea, it is in the grocer's power, generally speaking, to raise the price of the article, and by that means obtain from the consumer a part, at least, of the money he has paid to the tax: but if the tax be imposed on the mode of conducting business, as in the present case of a duty upon receipts, the grocer must take the whole burthen of the tax upon himself; for how shall he obtain relief? Shall he raise the price of his tea? He cannot do this; for a neighbouring grocer is of opinion that the advance may be made with much more advantage on sugar. A third is persuaded that the price of sugar is already as high as the article will bear, and that the amount of the tax should be laid as a charge on figs. This contrariety of opinion, unavoidable in such a case, will compel the grocer to bear the whole burthen of the tax; for, otherwise, he must expose himself to the total ruin of his business, by charging a higher price for some particular article than that at which it is sold by others of the trade. The right hon. Secretary will say, perhaps, that if the grocer chuses to take upon himself the whole burthen of the tax, it would be very unreasonable to ascribe to the tax an inconvenience arising from his voluntary act. The citizens of London will tell the right hon. Secretary, that the conduct of the grocer on this occasion cannot be considered as voluntary; for, of all compulsions, the fear of ruin is the strongest. Thus it appears that, to this tax on receipts, a person in trade will be compelled to pay from 10*l.* to 200*l.* per annum, without the possibility of shifting the burthen from himself to the consumer; while his fellow-subject, who derives from his land an income of 3,000*l.* per annum, will scarcely contribute, on any supposition, 40*s.* a year. Still less will be the contribution of such of his fellow-subjects as derive their incomes from money lent on mortgage: and a third description, not the least wealthy, the proprietors of the public funds, will not contribute any thing to the tax; the proprietors of 250 millions will not be called upon for a single shilling. To this tax may, therefore, truly be ascribed all the inequality, all the injustice which the right hon. Secretary imputes to a tax on land; for certainly it operates as a tax on one particular description of property, almost to the exemption of every other; it operates almost exclusively on money employed in trade. That every man ought to contribute to the necessities of the state, in proportion to the revenue he enjoys under the protection of that state, is the first and fundamental law of just and equal taxation: it is a law which results from the nature of civil society, and from the immutable rules of justice. What have the merchants done, what have their fellow citizens of the commercial interest done, that they should be denied the benefit of this equitable law? Why must the trading interest be compelled to bear, almost alone, that burthen which, in proportion to the respective incomes of the people, ought to be equally borne by all. This tax is not only partial and oppressive with respect to one class of the community, as distinguished from the rest, but it is also partial and oppressive with respect to particular individuals of that class, as distinguished from other individuals of the same class: for if of two persons in trade, the one from the nature of his business receives his payments in small sums, the other in sums of much larger amount, their returns may be the same, their profits may be exactly equal, yet the first may be obliged to pay to the tax fifty times as much as the last. Thus it appears that, by this tax on receipts, the subject will be assessed, not in proportion to his means, to the profits of his trade, or to the revenue he enjoys under the protection of the state, but in proportion to the number of receipts he may happen to give. This tax is not only the most partial and oppressive, but it is also the most irksome and vexatious that ever was imposed upon the people: it adopts the principle of the famous alcavala tax in Spain, by which no transaction of buying or selling can take place, without a tribute to the crown—a tax made famous for the ruin it has brought on the manufactures and commerce of that kingdom. In other taxes, the duty imposed is

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confounded with the price of the article, and is therefore concealed from the eye of the consumer; a duty on receipts shows the tax naked and undisguised, brings it forward into notice, and keeps it perpetually in the people's view. Is it not a sufficient hardship that the people are taxed, however necessarily, beyond the experience, beyond the conception of former times? Must we also force their burthens daily and hourly on their attention? To the justice, to the humanity of the House, the people make their appeal: they earnestly entreat, that if they have borne with unexampled patience the burthens of a war from which they could derive no possible advantage, they may not now, on the return of peace, be subjected to a tax more irksome and vexatious than any they endured in the course of the war itself. The merchants in particular, and the manufacturers entreat, that if, in the ruinous effects of that war, they have sustained a more than equal share, they may not now, on the return of peace, be singled out from the rest of the community, as objects of peculiar oppression. They ask not for indulgence, for in all the burthens of the public they are willing to take their part; but they entreat that a double portion may not be forced upon them. They earnestly request, that to the calamities they have endured you would not superadd the heavier load of injustice, nor treat them like the slaves of despotic power, who are assessed not according to their means, but according to the caprices of their masters: such taxes they think are alien to the laws, repugnant to the genius, intolerable to the spirit of Englishmen.

Mr. *Thornton* argued against the Bill, on the score of its want of clearness of expression, and shewed in what particulars it stood in need of correction. He contended, that the tax might be evaded nineteen times out of twenty; and stated, that a town-hall had been called in the Borough on the subject, where instructions had been drawn up for their representatives, upon the strength of which he had risen on that day.

Sir *Richard Hotham* said, he had been instructed by his constituents likewise to oppose the tax, but as the House had heard so much upon it from his worthy colleague, he would content himself with offering a single remark, and that was, that a penalty of 20*l.* was too severe for noncompliance with a 2*d.* stamp duty.

Mr. *Pulteney* stated the arguments *pro* and *con* with peculiar adroitness, and insisted, that the tax would rest ultimately on the consumer, whether he directly consented to pay the tax when he made his payment, or indirectly paid it in the price of the different articles charged to him. He advised gentlemen rather to endeavour to quiet discontents without doors than to foment them.

Mr. *Sheridan* said, that the framers of the Bill laboured under very great disadvantages, in as much as they acted only from their own weak judgment; whereas the opposers of it argued against it, only because they had been instructed so to do by persons who had never seen the Bill, and were unacquainted with the various provisions it contained. He used several arguments to shew that the tax would eventually fall on the buyer and not on the seller; he had seen a mercer to whom this tax was odious, and yet who had no objection that a tax should be laid on wrought silk, because he could raise his price accordingly to his customers; but that the tax on receipts was obnoxious to him, for by it the two-pence, and no more, would pass to and from his hand without any superlucration to the public purse. For his own part, he was convinced that the tax had become odious among some people, only because none were to receive any benefit from it but the government to whom it was paid: this made a great difference between this and all other taxes; for, in the one, government received it all; in the others, for one shilling that was imposed by parliament, ten were imposed by the seller.

After some further conversation, the motion for recommitting the Bill was negatived.

June 12. The Bill for imposing taxes on Bills of Exchange and Receipts was ordered to be read a third time.

Sir *Cecil Wray* suffered all that part of the Bill to pass without opposition which related to the bills of exchange; but when the clerk came to the first clause, by which the stamp was to be imposed on receipts, he rose up and opposed it. He said, he disliked the tax himself, but what weighed much more with him, his constituents disliked it, and had instructed him to oppose it, and therefore he moved, That the clause imposing a duty on receipts be left out.

Mr. *Alderman Sawbridge* said, his con-



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stituents thought the tax a bad one, and had instructed him to oppose it. It was his duty to obey their instructions; and in obedience to them, he was determined to vote for the rejection of the clause.

The *Lord Mayor* said, as the people, who were to be chiefly affected by taxes, and best knew what would be their probable effect, were not allowed to be heard upon their petitions, or in any way to speak for themselves, it was highly necessary that somebody should speak for them; he therefore rose to declare again that his sentiments of the tax remained the same, and he most heartily joined in the motion for its rejection.

Mr. *Hammet* rose merely to say, that he had not only received instructions from his constituents to oppose the tax, but a petition had been also sent from Taunton against it, had the measure of presenting it been reconcileable with the forms of the House. He at all times thought it his duty to listen to the voice of his constituents; but more especially upon a subject that their interests as a trading town were so intimately connected with as the tax on receipts, which was, in other words, a tax on trade and commerce. In obedience to their instructions, therefore, he should vote against the tax.

Sir *George Young* declared, it was with reluctance that he found himself under the necessity of opposing any tax whatever; but he had that day received such positive instructions from the whole body of his constituents, that he must vote in favour of the motion for omitting the clause.

Colonel *Onslow* reminded the House, that when the tax was first proposed, he had spoken in favour of it, as the tax struck him at the time. Unfortunately for him, he had since received instructions from his constituents to oppose it, and those instructions had wrought a very wonderful conversion in his mind. Having stated this, he declared he should vote according to the sense his constituents entertained of the tax; and as he had reconsidered it himself, should speak of it as it appeared to him, on a more deliberate examination of it, to deserve. The colonel then went into a discussion of its inconveniencies: not the least, he thought, was the circumstance of dealers being obliged to carry a quantity of stamps perpetually about them: it reminded him of a passage he had formerly met with, he believed it was in Tully: "Istis studiis adolescentiam alunt, senectutem oblectant, pernoctant nobiscum, peregrinantur et rusticantur." He had held a good deal of conversation respecting the tax with one of his constituents, who had not only declared the tax as it stood, heavy and oppressive to trade, but that it would fall entirely on the retail dealer. This constituent had given him a scheme for another, and a more productive tax than that which he meant to vote against. His constituent was a grocer, and a dealer in currants, but one who would make an excellent chancellor of the Exchequer. With the leave of the House he would read his scheme. The colonel then produced a plan for imposing a duty of one penny on all sums paid from 40*s.* to 5*l.*; of two pence on all sums from 5*l.* to 15*l.*; of three pence up to 30*l.*; and so on. As the tax stood in the Bill, a man taking a receipt for 10,000*l.* or 100,000*l.* only paid four pence; whereas, according to his grocer's scheme, a great deal more would be paid on infinitely less sums. Having urged several objections to the tax, he said he might possibly hear it wondered at, that he, who had formerly held opinions so contrary to an implicit compliance with the instructions of his constituents, should thus on a sudden depart from those opinions. In answer he should say, these were not times for such opinions; and though he was grown old, he wished to be in the fashion. He had therefore faithfully obeyed the instructions of his constituents; but having done so, he would mention one thing that appeared to him to be wholly unparliamentary, and that was the city of London having sent round circular letters to urge members of that House to oppose the tax. That practice he thought every way improper; he was glad to hear the voice of his constituents, and ready to obey it; but he did not like to hear it at second hand.

The *Lord Mayor* rose to exculpate the corporation of London from the charge thrown out by the hon. gentleman who spoke last. He said, there had been meetings held upon the subject of the tax, by gentlemen who had a right to act for themselves, and were alone responsible for their conduct; those gentlemen had thought proper to communicate their sentiments upon the tax as generally as possible; but he begged that the mode of doing so which they had adopted, might not be imputed to the citizens of London in their corporate capacity.

Mr. *Smith* (member for Pontefract) declared, he had likewise been instructed



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by his constituents to oppose the tax on receipts, as a tax likely to prove burthensome and oppressive.

Mr. *Baker* said, this was not the time to discuss the question, whether members of parliament were bound to obey implicitly the commands or instructions of their constituents; for his part, he had always maintained that they were not; and upon this principle, which was admitted by all, that a member, though elected locally, represented generally; and therefore as according to this principle he was the representative of the people, he could not be bound by the instructions of local constituents: to these, indeed, he would always pay the greatest deference; he would confer with them, reason with them; in a word, he would do any thing for them, except sacrificing his own judgment, and giving a vote against the dictates of his reason and his conscience. He had been instructed by his constituents to vote against this tax, and yet he would not hesitate to vote for it; and though it might appear strange, he believed that, in supporting the tax, he was, in fact and in truth, complying with the intention of those who had instructed him to oppose it. To clear up the paradox, he said, that having conferred with his constituents, he found that their objection to the tax was founded on the idea that it would fall on the seller; now, from what he knew of the Bill, he was convinced that this objection was ill founded; and, therefore, as it was the only objection which his constituents had to the tax, he knew that they must like it as well as he did, when they should find that the buyer, not the seller, was to pay it. Mr. Baker went into a disquisition on the practicability, as well as the use of a member of parliament implicitly binding himself, in all cases, to obey the instructions of his constituents, contrary to his own opinion and judgment. When he came into that House, he conceived he was to exercise certain discretionary powers, and to be guided, in some measure, by his own sense and judgment. To suppose otherwise, and that a representative was the mere mouth-piece of his constituents, was, in his opinion, to degrade every member of that House, and to render business impracticable. He illustrated this opinion by stating, that if a bill was in progress, and every member was obliged to consult his constituents, not only upon every clause of it, but upon every word proposed to be inserted in every clause (and the whole force of a clause the House well knew frequently depended on a single word), how was it possible for business to proceed? Having demonstrated that implicit obedience to the instructions of constituents in all cases would be productive of ill consequences, he professed himself an advocate for conferring with his constituents and consulting their opinions, wherever a matter of sufficient importance rendered such a measure proper. That, he said, he should be ever ready to do; and if the arguments urged by his constituents convinced him that their opinions were well-founded, he was willing to be convinced, and to act in the House accordingly.

Mr. *Bacon* subscribed to all that Mr. Baker said; and he went a little farther, for he said, he should not oppose the tax, even if it was to be paid by the seller; and all the good he would wish to his constituents in such case would be, that they might be called upon a thousand times to pay it, because they could give receipts only when they took money; so, of course, the spirit of his wish was, that their trade might increase.

Mr. *Martin* said, he could not help entertaining sentiments respecting the right of the people to petition against taxes very different from what he knew to be the prevailing opinion and practice of that House: so far from thinking that they ought not to receive petitions against taxes, it was the subject of all others, in his opinion, that best justified the interference of the people, and to their petitions upon which that House ought to pay the greatest attention: they were the guardians of the purse of the people, and surely, where their money was so much interested, as when taxes were under consideration, they ought to be consulted, and their opinions listened to. When his constituents sent him instructions, he held himself bound to obey them; where they did not, he always considered himself at liberty to act according to the best of his judgment. With regard to what had been said respecting certain circular letters, he knew of nothing criminal or seditious in sending any such letters: whenever he received letters, either from bodies of men or individuals, desiring him to attend to any business to come on in that House, he always had, and always should make it a point to comply with the request.

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Sir *Joseph Mawbey* contended, that every representative was bound to obey his constituents, and that the word itself imported as much. He reprobated the tax as grievous, burthensome, and oppressive. He observed, that some time since other sources of revenue had been talked of as likely to prove extremely beneficial to the public, of which he had heard nothing lately; he meant the sale of the forests and other lands formerly belonging to the crown, but which, at the settlement of the civil list, had been given up to the public. He called upon the Chancellor of the Exchequer to turn his attention to the sale of these lands. He talked a good deal about the civil list, the necessary splendour of the crown, &c.; and having proposed a mode of saving the public much expense, by allowing one out of every twelve or fifteen as the discount to the stamp vender, instead of suffering the stationers to get fortunes out of the profit they put on them, he concluded with declaring he should vote for omitting the clause.

Mr. *W. Pitt* declared, that notwithstanding all that had been said against the tax, he was determined to give it his support. His reason was this: in the present state of the country, it was impossible to find any tax unattended with one of these two inconveniences, of being burthensome, or of being unproductive: from all he had heard about the receipt tax, he was fully of opinion, that there was more danger of its being unproductive, than of its being burthensome and oppressive: he did not think it could be oppressive, when no man was compelled to take a receipt; but from this very circumstance, and from the novelty of such a tax, he was afraid it would not be productive. Under such circumstances, and conscious that no debate in that House, nor any the most attentive investigation a member of parliament could go into, would afford him sufficient information to enable him to speak decidedly upon the subject, he should think it his duty to vote for the tax proposed, and to give the minister credit for having, as far as his better, but still inadequate knowledge would assist him, selected what he was induced to imagine the most preferable of all the taxes that offered themselves to his contemplation. As he was upon his legs, he would take notice of what had fallen from an hon. baronet respecting the forests and other crown lands. The hon. baronet was a little mistaken in supposing that no attention had lately been paid to them. He would find that mention was made of them in his Majesty's speech at the commencement of the session; and the noble lord over against him well knew, that there was, in the Treasury, a most elaborate memorial upon the subject, which had been drawn up at the instance of the late board of treasury, who had not lost a moment in attending to every matter alluded to in that speech, which had of late been so often referred to, and upon every part of which, propositions were intended to be brought forward as soon as the ground of them could possibly be prepared. With regard, however, to the sale of the crown lands, that matter was certainly out of the question at present, since a landed revenue could have no reference whatever to taxes imposed among the ways and means of the year, to make good the interest of the money borrowed for the public service.

Sir *H. Houghton* paid Mr. Pitt many compliments for his declaration that he would support the tax, and said, that he had received instructions to oppose it; but, in his mind, it was a good tax.

Colonel *Norton* said, he objected to the tax, and that he had understood Mr. Pitt to say only that he consented to it on account of the public necessities.

Mr. *Sheridan* rose to contradict this, declaring, that the right hon. gentleman had spoken with infinite candour upon the subject, but nothing he had said warranted such a conclusion. [Mr. Pitt nodded assent to this remark]. Mr. Sheridan observed, that after all that had passed, the matter still rested on the very issue that he had placed it on the day before, namely, on the question whether the tax would be paid by the consumer or the retail dealer. He said, notwithstanding the two very respectable authorities cited by the hon. gentleman opposite to him, he meant Tully and the grocer, he was firm in his opinion, that it would be paid by the consumer; and it was evident that almost every one of the gentlemen who had asserted the contrary, had expressly said, they spoke from the instructions of others, that they had been ordered not to be convinced by argument, and should vote as they had been directed by their constituents. He hoped the retail trader would honestly comply with the express letter of the Bill, and throw the tax on the consumer; for if the consumer made the retail trader pay it, he was sure it would be

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charged to the consumer with addition in the price of the articles purchased.

Governor *Johnstone* warned the House to proceed with caution in a business which was of a very delicate nature: there were two things very dangerous to meddle with, religion and taxes. There never was a bill, of which he approved more heartily than the one passed in favour of the Roman Catholics; but still, would any man have voted for it, if he could have foreseen the dreadful consequences that it produced? The cider tax he thought a good one; but, though it was carried with a high hand in parliament, the voice of the people caused a modification of it. He thought the present tax a good one; but he wished the Chancellor of the Exchequer would turn his thoughts to find some other, rather than attempt to force it down the throats of the people, when they shewed such a dislike to it.

Mr. *Fox* said, that a most effectual way to breed disputes, and make them produce disagreeable consequences, was to make the people think they could get tax laws repealed whenever they should think proper to say they disliked them, and therefore he thought the language of the hon. governor blameable, but still more so, when he in conscience thought the tax a good one. He declared, that had he been able to have foreseen the consequences that followed the passing of the Bill in favour of the Roman Catholics, he nevertheless would have voted for it, because it was not only founded in policy, but in humanity and justice; and, to the honour of the House and of the nation, that act still remained a law of the land—a monument not only of the justice, but of the spirit of the country, in stemming the prejudices and illiberality of the lower order of the people, and a warning to others how they attempted to force the legislature to repeal any law. He then reasoned upon the tax, and proved that the buyer only was to pay the tax. After refuting the arguments of the governor on these points, he said, he was far from expecting that the present Bill was free from very serious and solid objection, or from asserting that the prejudices of the people ought not to be attended to: they certainly ought, but he denied that the tax on receipts was universally unpopular, or any thing like it: he said, the chief cry against it had, to his knowledge, been founded in misapprehension and error. He had seen letters, in which it was stated that the stamp receipt was obliged to be taken; that the tax was compulsory; and that no other evidence of a payment was admissible; this was now known to be a gross mistake, it was now known that the tax was perfectly optional; that none need take the stamp but those who chose to have such a convenience; and that all the former proofs of payment were still as good proofs as ever. Mr. Fox denied that the voice of the people had been refused to be listened to, or that those who opposed the tax had been treated with derision: they had been heard with attention, and treated with all possible respect. And so far from the Bill having been hurried through the House, he asserted it had been longer passing than almost any tax-bill ever was known to be. With regard to the arguments of members of parliament being bound to obey the instructions of their constituents implicitly, he said his opinion upon that matter was well known, and therefore he would not go over it then; he would only say, that if the doctrine prevailed to the extent some gentlemen thought it ought to do, parliament would be of no use, nor could any business go on in that House.

The question was put upon sir Cecil Wray's motion for omitting the clause imposing a duty on receipts. Yeas, 40; Noes, 145. The Bill was then read a third time, and passed.

*Malt Duties—Private Breweries.*] June 16. Under the authority of an Act of parliament, persons brewing beer for their own use, and not for sale, were permitted to compound with the board of excise, at so much a head in their family, for the real duty on malt they thus consumed, in consequence of which they were freed from the visits of the excise officers; but great frauds having arisen under this power of compounding, lord John Cavendish moved for a committee of the whole House, to take into consideration the law which gives this power. In the Committee a resolution was moved by his lordship, "That the power now allowed by law of compounding for the duties on malt made for private use only, and not for sale, do cease and be discontinued." The Resolution was carried without opposition. On its being reported to the House,

Mr. *Hill* rose, and said, he had five hundred objections against the taking off the composition on malt; but that he might not be tedious, he would reduce

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them to units, and only mention five out of five score. He therefore opposed the tax on the five following grounds: as it was a partial, an unproductive, an oppressive, an offensive, and as it was a smuggled tax. It was a partial tax, because it affected some few corn counties, among which Shropshire was not the least considerable, but shone (at least a member for Shropshire might be allowed to think so) 'velut inter ignes lunæ minores.' It would be found an unproductive tax, not only on account of its being partial, but because not near the quantity of malt would be made; by which means it would not bring in so much as arose to the revenue from the present high composition duty; yet that composition duty might perhaps bear raising a little, though he must own he much doubted it; but if it was advanced too much, it would be crushed under its own weight, like the carriage tax, &c. It would be an oppressive tax, because it would fall on the farmers, who compound in some corn counties on account of their harvest people: it would also fall heavy on the hospitality of country gentlemen, and on their poor neighbours and workmen, who received the benefit of their hospitality: he hated bestiality and excess, but he professed himself a lover of hospitality, and he trusted he might say, without boasting, that to feed the hungry and give drink to the thirsty, afforded him a singular pleasure: but if that tax took place, it must, in some degree, tie up the hands of charity, and cause the indigent to lament its restrained influence: it would be such an offensive tax, that he really trembled for the consequences, especially when he considered that taking away a pint of beer per day from the workmen's allowance, as last year, on account of the scarcity of barley and the dearness of malt, was one principal cause of the riots which took place in some parts of England. The House knew that military force might quell those riots; but that was a shocking expedient in a free country, and at best was only a temporary remedy; for no sooner was the force withdrawn, than the evil it had curbed broke out with greater violence; whereas fair words and a draught of beer frequently effected that in a few minutes, which regiments of soldiers, with drawn bayonets, could never accomplish at all. The man who was subdued by love, they might make their lasting friend: the man that was conquered by power, would only wait the opportunity of shewing them that he was their enemy. He heartily wished his fears might be groundless; but he knew the genius of the people in that part of the kingdom where the riots were last winter. He would not have men in power shrink for a moment from their steadiness, where steadiness was needful; but it required no small degree of wisdom in ministers to know when to be steady, and when to relax. There were times when even men's prejudices must be submitted to: the skilful physician would feel his patient's pulse before he forced down his throat the draught which his stomach nauseates. They had seen the happy effects of that relaxing wisdom in various instances: in the stamp act in America, in concessions lately made to a neighbouring kingdom; and they had seen the ill effects of the want of that relaxing wisdom, in the loss of 13 colonies of the British empire, on account of a little Bostonian tea. It was not for him to dictate to ministers, nor should he attempt it; and as to arguments, they were of no weight where men in office were determined to carry their point let what might be the consequence. He had faithfully and conscientiously delivered his sentiments on the subject: he felt the ground on which he stood to be firm; and he did, in the most earnest and friendly manner, entreat ministers to remember, that *nil temere*, as well as *nil timide*, was part of an excellent motto. He observed that it was a smuggled tax. If he were inclined to be jocular (and he confessed he often felt himself perhaps too much so), he had then a spacious field to sport in; but he had rather bind up the ironic vein than let it bleed. He could not however help remarking, that acts of parliament against smuggling would come with a very ill grace from those who smuggle acts of parliament. But the reason why he called this a smuggled tax, was, first, because it was not mentioned when the other taxes were taken out of the budget; secondly, because it was brought forward so very late in the year, that those gentlemen who were principally interested in it, were almost all out of town; and those who were in town, were assured that no such tax was intended; at least he could affirm, that that was the case with regard to one, for hearing that such a tax had been thought of by administration, he took the liberty of asking an hon. gentleman (Mr. Sheridan) if it were really intended to be proposed, and

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he assured him, that he did not know any thing of it. He did not mean to charge the hon. gentleman with duplicity; but his ignorance of it was a full proof of the sudden and clandestine manner in which the business had been transacted. He hoped, therefore, the House would not suffer a bill of that magnitude to come on without putting it in the power of those gentlemen who were most concerned in it to deliver their sentiments upon it. He thought it must be allowed to be a manifest comparative hardship, that the barley counties must have so great an onus thrown upon them, and the cider counties bear no share of it. He hoped he should not bring any of the gentlemen of those counties upon his back by that observation, because, from a mere principle of justice, he said, that whilst they were totally exempt from any duty whatever (unless it was on cider for sale) and gave their labourers and harvest people as much of their beverage as they pleased, duty free, the farmers and gentlemen, where malt liquor was principally used, were even denied the alternative of paying an immense composition for their own home-made malt, rather than suffer an exciseman to come and examine their premises, with as much effrontery as a constable entered the house of a thief to search for stolen goods. Upon the whole, if ministry did not wish to render themselves more unpopular and odious than any preceding ministry ever did, by attempting that which no other ministry ever dared attempt, they must renounce all thoughts of that tax. But if gentlemen in office were determined entirely to abolish the composition on malt, another entire abolition would certainly accompany it, viz. that of their own credit and consequence throughout several large and respectable counties, insomuch that he should expect to see the present motley administration burnt in effigy by an enraged populace on different market days, in many places in this kingdom.

Mr. *Sheridan* said, he had told the hon. gentleman that such a tax would not make part of this year's budget; and the resolution before the House was no contradiction to that assertion; for it was not to impose a new, but to regulate an old tax, and make it less unproductive, by taking away the means through which it had hitherto in a great measure been evaded.

Lord *John Cavendish* said, this was no smuggled regulation; for when he was in office last year, he had given notice of his intention to introduce it; and the necessity of it had appeared so strong to his successor in office, that he introduced a special clause into the Malt-tax Bill of the present year, to pave the way for it. He hoped that the country gentlemen would not find any great inconvenience from the officer of excise, as their malt-houses were generally detached from their dwelling-houses.

The Resolution was agreed to, and a Bill ordered in accordingly.

June 18. Lord John Cavendish brought in the said Bill. On the motion for reading it a first time,

Mr. *Hill* rose to clear up one or two points, on which he was misunderstood. He certainly was misapprehended in what he said relative to the cider counties: he did not drop a wish to onerate them; but only, from their privileges, to plead for some indulgence to the counties which grew great quantities of barley; and to argue from their aversion to being visited by excisemen, that they might necessarily be supposed to have the same objections; and upon this principle of justice, he doubted not but the gentlemen of those counties would give them every support in their power. The member for Northamptonshire (Mr. Powys) seemed to think his objection ill-founded, and his fears of popular alarm groundless. That hon. gentleman could not wish more than he did that this might be the case, but he knew the genius and spirit of the people in those counties he alluded to, and where there were great collieries, better than that hon. gentleman possibly could do; and though that hon. gentleman had said he represented a great corn county, yet he believed the principal part of the grain in that county was wheat, and not barley; and he need not tell him, the latter only was used for malt; and if the composition was taken off that article, he was sure it would prove a great check to the cultivation of barley. As to what he had said of the impropriety of bringing this matter on at so late a period of the session, Mr. Hill declared he was still of the same opinion; and upon the best observation he had been able to make, he was sure that many independent country gentlemen, who would have opposed that Bill, were gone out of town; but he trusted there was a sufficient number left to set their faces against it; and he was certain that no friend of

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the liberties of Englishmen, no advocate for the rights and claims of the people, much less would the Man of the People, give his vote to have an exciseman come and search his house or out-houses at any hour he thought proper, when he was willing to pay his composition freely for keeping such gentry without doors. However, he hoped they might rely on the virtue and candour of the noble lord at the head of the Exchequer, to let that business drop, at least not to bring it on this year, when he was persuaded much more barley was now on the ground than would have been sown, if the composition was to be abolished; and if the motto he recommended to the noble lord's consideration the other day, of *nil temere*, had not the desired effect, he begged to recommend another to his attention, with which he was particularly well acquainted, *cavendo tutus*. If the noble lord pleased, he would recal the expression of a smuggled act; but he appealed to the noble lord's heart, whether he thought an affair of that magnitude had been brought on with that deliberation, caution, and notice to the House, which its consequence deserved. He was no more able to combat the noble lord's eloquence, than Ajax was to contend with Ulysses; and he was sure he should never say to him, as Ajax did to Ulysses, *quid verbis opus est; spectemur agendo:* however, he must beg leave to observe, that the only reason given why all composition for malt duty should be taken away was, that there were so many frauds practised by persons compounding, that there was no preventing these frauds, without suffering no person whatever to compound. If ever argument was founded on the principle of flagrant injustice, this was. Suppose he was to assert, that all honest men ought to be hanged, for fear any rogues should escape; how would such reasoning be received? Yet it was exactly of the same sort with that which involved the innocent in one common lot with the guilty in the present case, and deprived him of the privilege of compounding for his malt, because his roguish neighbours sold the malt for which he compounded. This was acting just like the inhuman Herod, who caused all the young children throughout the coasts of Bethlehem to be put to death, that he might be sure not to let the sacred infant escape, who was the object of his malice and jealousy. The expedient was dreadful; and the merciless tyrant failed of his end, as he hoped tyrants ever would. He would suppose that the revenue would be increased by taking off the composition, even though they should be forced to pay a new-raised regiment of excisemen; yet he would insist that they could not do it without substituting a greater evil in lieu of that they attempted to remove, and so totally opposite to the temper and genius of the constitution, that it was not to be borne, nor thought of, without horror and indignation. He wished the Chancellor of the Exchequer would consider what language he would have held on that occasion, if the noble lord in the blue ribbon had proposed such an arbitrary stretch of the excise laws before the late junction of the red and white rose. Would he not have reprobated it under the idea of slavery, increasing crown influence, and trampling under foot those rights and liberties in this nation, which were the birth-right of the poorest cottager? But though *tempora mutantur*, would the right hon. gentleman and his whig colleagues say, *nos et mutamur in illis?* No, no; they had pledged themselves that they never, never, never would. He wished to rouse the attention of the House to consider, that every objection lay against taking off the composition on malt, which lay against those objects of popular odium, the cider tax in England, and stamp act in America; and if it was suffered to pass into a law, it would be a most dangerous encroachment of tyrannic power. And here he thought he might introduce part of a speech on the cider tax, which was spoken by one of the most distinguished characters that ever adorned the two Houses of Parliament. The House had, Mr. Hill said, fixed upon the man; yes, it was the earl of Chatham. That great person, speaking of the oppression and cruelty of permitting excisemen to enter the houses of private individuals, expressed himself to this effect: "that every Englishman's house was his castle, however poor and mean it might be. If it were a wretched clod hovel, without either door or windows; if it were even such a one as the rain and wind could enter, still the king could not enter. Thus the poor man's hut was his asylum and place of security; not because it was garrisoned by walls and bulwarks, but because it had no need of such protectors; since the laws of a free country were his defence and security from the visits of arbitrary invaders."

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Mr. *Hussey* hoped the noble lord would not be frightened from his purpose by any thing he had then heard; it was necessary he should be firm in a measure that was so just; the taxes ought to be generally, not partially imposed; and he knew that in his own neighbourhood the malt tax was very partially laid on, and evaded by many; the Bill then before the House would prevent evasions and detect fraud.

Mr. *Pulteney* thought the Bill was not to be considered as the regulation of a tax, but as a new tax imposed on the subject. The law, as it stood, enacted that gentlemen should have a power of compounding for the tax; the Bill took away one tax and imposed another more odious. And what was the pretence for it? That there were various frauds committed. Possibly there might be such frauds; but then he must contend, that government ought to take care to detect and prevent them. Their neglect ought not to produce a fresh burthen on the subject: he must, therefore, oppose the Bill.

Sir *E. Astley* was against the Bill; if the frauds complained of were so numerous as they were stated to be, government ought to find them out, and punish those who committed them.

Mr. *Martin* really thought the Bill a necessary measure, and that the farmers rather abused the power of giving away liquor to the poor in harvest times. They distributed their beer and cider in such gross quantities, that frequently the poor men got intoxicated, and various ill consequences followed. He thought, therefore, if some restraint were put upon the practice, the general interests of society would be benefited.

Mr. *Kenyon* disapproved of the Bill; and thought that if it was carried, the only objection that had been urged against the tax on cider counties, namely, the introduction of officers of excise into private houses, would be entirely removed; and, therefore, he saw no reason why the cider counties should not now be taxed as well as the corn counties.

Lord *Surrey* said, that the throwing open private houses to excise officers was far from being the principal objection to the tax on cider, which in cider counties ought, in fact, to be considered as on a footing with milk and corn in other counties, and not as an article of excise. As to the composition which the Bill was to take away, it was certainly very pernicious to the revenue; the produce of the various taxes on malt amounted annually to 1,400,000*l.* towards which sum, the tax arising from composition produced no more than 5,000*l.*; there must, therefore, be great frauds practised by means of this composition.

The question being put, That the Bill be read a first time, the House divided:

Tellers,

| | | |
|---|---|---|
| Yeas | The Earl of Surrey - - <br> Mr. Hussey - - - - | 129 |
| Noes | Mr. Richard Hill - - <br> Mr. Kenyon - - - - | 47 |

So it was resolved in the affirmative.

*Petition of the Quakers against the Slave Trade.*] June 17. Sir Cecil Wray brought up a Petition from the people called Quakers, in behalf of the unfortunate negroes, the traffic of whose persons they prayed, for the sake of humanity, to have abolished. The Petition was read, setting forth, "That the petitioners, met in their annual assembly, having solemnly considered the state of the enslaved negroes, conceive themselves engaged, in religious duty, to lay the suffering situation of that unhappy people before the House, as a subject loudly calling for the humane interposition of the legislature; and the petitioners regret that a nation professing the Christian faith should so far counteract the principles of humanity and justice, as, by cruel treatment of this oppressed race, to fill their minds with prejudices against the mild and beneficent doctrines of the gospel; and that, under the countenance of the laws of this country, many thousands of those, our fellow-creatures, entitled to the natural rights of mankind, are held, as personal property, in cruel bondage; and the petitioners being informed that a bill for the regulation of the African Trade is now before the House, containing a clause which restrains the officers of the African Company from exporting negroes, the petitioners, deeply affected with a consideration of the rapine, oppression, and bloodshed attending that traffic, humbly request, that the said restriction may be extended to all persons whatsoever; or, that the House would grant such other relief in the premises as to them may seem meet."

Lord *North* said, he could have no objection to the bringing up of the Petition; indeed, its object and tendency ought to recommend it to every humane breast;



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and it did credit to the feelings of the most mild and humane set of Christians in the world, from whom it came. But still he was afraid that it would be found impossible to abolish the Slave Trade, against which the Petition was so justly directed; for it was a trade which had, in some measure, become necessary to almost every nation in Europe; and as it would be next to an impossibility to induce them all to give it up, and renounce it for ever, so he was apprehensive that the wishes of the humane petitioners could not be accomplished. As to the Bill then in the House, which had given rise to the Petition, it mentioned the Slave Trade only for the purpose of prohibiting the servants of the African committee from engaging in it, to the great detriment of the Company.

Sir *Cecil Wray* said, he went heart and hand with the petitioners, and wished that something might be done towards abolishing an infamous traffic that disgraced humanity, whilst it heaped misfortunes on a devoted race of our fellow-creatures. He concluded by moving that the Petition do lie upon the table; which passed without opposition.

*Debate in the Lords on the London Petition against the Receipt Tax.*] June 18. A petition from the merchants and bankers of London against the Receipt Tax being read, earl Fitzwilliam, on the general principle of petitions against taxes never being received, moved that the present one be rejected. The earl of Tankerville wished, that it might be stated from the woolsack to the petitioners, that such was the general rule of the House, that they might not conceive their lordships meant to treat their Petition with contempt or disrespect. The motion was put and carried, after which a similar petition was brought up by lord Sydney from the city of London, which earl Fitzwilliam likewise moved might be rejected.

Lord *Sydney* said, that as he was the youngest peer in that House, it might appear somewhat presuming in him to arraign a standing order of the House, but he could not suppose there was any such order existing: it would, in his opinion, be highly improper as well as injurious; for in what light must their lordships be looked upon by the public, when that public understood they were not to expect redress, nay, that the House had a standing order not even to hear their complaints. It was surely highly incumbent on them, when applied to by a numerous and respectable part of the community, to pay some attention to their Petition, provided it was worded with proper respect to that House, and not to reject it, either on the principle of its being contrary to a standing order, or from the idea which was pretty generally entertained, that their lordships were not competent to make alterations in a money bill. This Petition was presented from the most respectable city in the world, and he therefore hoped it might be permitted to lie on their table. He however did not mean by this to pledge himself to support it.

The Duke of *Chandos* reprobated the idea of that House not being competent to make alterations in any bill that should be sent up from the other House, provided ther lordships found such alterations were necessary, and would be conducive to the wishes and interests of the public at large.

Lord *Walsingham* thought, that if the House once permitted petitions against taxes to be received, it would be attended by the most embarrassing consequences. It was impossible to levy a tax that would not be felt by some more than others; and therefore not a single tax, if this was permitted, would ever be suffered to pass, without their lordships' table being crowded with petitions; upon which account, he thought it would be very proper to reject the present.

Earl *Ferrers* rose, he said, not only to support the Petition, but the dignity of that House. How it ever should have been understood, that their lordships were not empowered to make alterations in money bills, he could not conceive, or from what principle the other House had assumed to themselves the right of framing taxes which they were to give their assent to as a matter of course, without being at liberty to judge whether they were proper and equitable, or partial and unjust, or to make an alteration, which might be of the greatest advantage to the nation at large. He thought their lordships were as capable, from their education and experience, to amend and frame taxes as this wise House of Commons. They had given proof of their capability of amending, when the cider tax was brought in; and he was of opinion, that many of their lordships possessed abilities to produce plans that would be more productive and less injurious than the one

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now complained of; and surely in such case they were not to be rejected, because they had not been introduced in the other House. He had one in his hand, and which, with their lordships' permission, he would read to them; and if it appeared to them in the same light it did to him, they would adopt it as a tax, in the lieu of that now proposed on receipts.

The Earl of *Mansfield* left the woolsack, and observed, that the question for their lordships' determination was, whether the Petition should be received or rejected? It was not on the merits or demerits of the tax; the proper time for that would be when the Bill was under consideration. With respect to the Petition being rejected, on account of there being a standing order that none should be received, the notion was quite erroneous; he knew of no such standing order; but from the inconvenience that would attend such a measure, it had long been the custom, not only of that House but the other also, to reject every petition that should be introduced against a tax; and a very judicious custom it certainly was, for if petitions once found their way into either House, no session would be long enough for government to get through the necessary supplies. He could not see that any attention should be paid to the respectability of the petitioners, as the poorest individuals in the kingdom possessed an equal right with the richest, to pour forth their grievances to their lordships; and he knew too well the impartiality of that House, not to be certain they would meet with equal redress. His lordship then observed, that it was a futile idea to suppose their lordships were bound to give their approbation to a money bill, merely because it had passed in the other House; it was certainly the most proper place to introduce the taxes; but it was then the duty of their lordships to examine the clauses in the bills with the nicest attention, and point out what they thought detrimental to the common interest and welfare of the kingdom, regardless of its being objected to, when sent back to the Commons; as it was more than probable, that although they might throw out the bill as sent down, they would introduce another with their lordships' amendment.

Lord *Thurlow* agreed with the last speaker in most of his arguments, and observed that he expected the supporters of the Petition would have stated some precedents for its being ordered to lie on the table. Two, indeed, had been hinted at; the one he had just looked at the journals for, but found it by no means similar; the other, therefore, he should request the indulgence of the House to have read, which was a petition from the city of London concerning the amendment of the house tax; and if it should prove that was not actually a petition against the tax itself, he should be sorry to see a precedent for such a measure introduced now; if it was one, he saw no reason why this might not as well be permitted to lie on their lordships' table as the other had been. The petition was then read by the clerk, when his lordship observed, that although arguments might be adduced to charge this petition with something similar to the present one, it did not strike him to be so in fact; and finding therefore, that there was no precedent for it, he should be for rejecting it at once, although he saw but little difference between that and its being ordered to lie on the table, where perhaps it might remain for ever unnoticed. He was very far from wishing to treat the petitioners with the least disrespect; but yet he did not conceive their respectability was any argument for the prayer of their petition being paid any particular attention to: every petitioner had an equal claim to their lordships' interference; and it would certainly appear very singular and partial, that one petition should be rejected, and that in the same breath they should receive another on the same subject; this was a method of proceeding that could not be countenanced by that House, and therefore he concluded it would meet with the same fate the one had done which so immediately preceded it. —The petition was rejected.

*Debate in the Commons relative to the Prince of Wales's Establishment.*] June 23. Lord *John Cavendish* brought down the following Message from his Majesty:

"GEORGE *R.*

"His Majesty, reflecting on the propriety of a separate establishment for his dearly beloved son the Prince of Wales, recommends the consideration thereof to this House, relying on the experienced zeal and affection of his faithful Commons, for such aid towards making that establishment, as shall appear consistent with a due attention to the circumstances of his people; every addition to whose burthens his

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Majesty feels with the most sensible concern."

The Message was referred to the Committee of Supply.

June 25. The House having resolved itself into the said Committee,

Lord *John Cavendish* said, that the Committee must necessarily feel the most lively sentiments of affection to his Majesty, for the gracious manner in which he had determined to provide for the establishment of his royal highness the Prince of Wales, without calling upon his people for any additional supply to his civil list on that account: the whole of the annual expense his Majesty was graciously resolved to take upon himself, and to allow his Royal Highness 50,000*l.* a year; but the Committee could not be ignorant of the state of the civil list. About 50,000*l.* had been set aside towards paying debts, which would keep the civil list down to 850,000*l.* a year, for about six years to come; and the allowance of 50,000*l.* a year to the Prince, would leave his Majesty's revenue so low, that it would be barely sufficient to discharge the different claims upon it. In such a situation, therefore, it was not surprising that his Majesty should call upon his faithful Commons for a temporary aid to equip his son at his outset in life; and he was sure that there was not a man in that House who would not feel a readiness to provide for the ease and convenience of the royal family. The house of the Prince had not been inhabited for a long time, and a thousand things would be wanted to render it convenient: the Prince was a young man, and consequently it could not be expected that he should be a very great economist; and no one would wish to see him situated unpleasantly in his first outset in life. His lordship concluded by moving, "That 60,000*l.* be granted to his Majesty towards enabling his Majesty to make a separate establishment for his royal highness the Prince of Wales."

Mr. *Martin* gave his hearty assent to the motion. He rejoiced to find that the attempts which he understood had been made to disturb the peace of the royal family, by turning one part of it against the other, had not succeeded; he rejoiced also that the plan for settling a greater revenue on the Prince than would have been consistent with the present situation of the country, had miscarried through the opposition of the noble Chancellor of the Exchequer.

Mr. *W. Pitt* said, the proposition met his entire approbation: he thought it a sum by no means extravagant; and the noble lord had very properly laid down two propositions to be considered: first, the situation of public affairs, and next, the splendour and magnificence that ought to accompany the heir apparent. The hon. gentleman then adverted to a speech attributed to lord North, some years since, when an addition of 100,000*l.* was made to the civil list, wherein he pledged himself that no farther addition would be required to the civil list. The hon. gentleman said this was a violation of that pledge. With regard to the Prince of Wales, he must be so dear to that House, and to every man in the country, from the important rank he was born to hold in the state, and from a variety of other considerations, that the House could not, either in the present, or in any other instance, testify their affectionate regard to his Royal Highness in a manner too marking and decisive. Having stated this very strongly, and passed many high-wrought and warm encomiums on the prince, Mr. Pitt proceeded to express the satisfaction he felt at the shape in which the business had, contrary to public expectation, been brought forward that day. There had been rumours abroad of a very different intention in ministers; and those rumours had been circulated with an industry and a confidence that stamped them with a degree of authenticity by no means common on such occasions. Those rumours asserted, that it had been the intention of some of his Majesty's ministers, contrary to the avowed desire of his Majesty, (whose paternal regard to the general interests of his people had led him to very different ideas), and contrary to that constant attention to the circumstances of the country, which it was the duty of ministers never, on any occasion, for a moment to lose sight of, to have come to that House, and demanded an enormous sum indeed for the establishment of the Prince of Wales. Mr. Pitt said, he rejoiced exceedingly at finding those rumours contradicted, in the manner in which the matter had been brought forward; but as they had given great and very serious alarm all through the country, he trusted ministers would feel that they ought to take that opportunity of denying that there ever had been the smallest foundation for any such reports. Expecting a full explanation on this head from them,

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he declared, he must lament, that though the proposition to parliament was in itself perfectly unexceptionable, yet at last the business had been brought forward in a manner, and at a time by no means consistent with the respect that every gentleman who heard him must acknowledge to be due to the Prince of Wales, and he would add farther, by no means consistent with the respect that was due to that House. This assertion he justified by declaring, that a business of so much importance ought to have been brought forward much earlier in the session, and that, before the Committee were called upon to vote so large a portion of the public money, the fullest notice ought to have been given, in order that as large an attendance as possible might have been obtained.

Lord *North* said, that when the business of granting an addition of 100,000*l.* per annum to the civil list was before the House, no proposition relative to the establishment of the prince of Wales was thought of; it was granted in consideration of his Majesty's increase of family, and to enable him to make provisions for the younger branches of it, and the children of the duke of Gloucester; it was also at a time when the prince of Wales was about 15 years of age, and his preceptors, &c. necessary for his tuition, made the yearly income of the civil list amount to 880,000*l.* During that session not a single word was said relative to what he was charged with; but it was either in the next session, or the session after that, that he made use of the expression. A little consideration of the time at which he made the expression which he had used, a little consideration of the phrase itself, and a little attention to the circumstances of the times when he used it, would sufficiently shew that it was utterly impossible for him to have had any such meaning as was now attempted to be put upon it. The expression he had used was precisely this:—"during the present state of the royal family, that House would not be called upon for any assistance for the establishment of the prince of Wales." Let gentlemen remember, that the prince was then about 15, in a state of education, and that there was an intermediate establishment always made for a prince of Wales between that time, and the time of his establishment of a separate household; an establishment while he yet lived with his father, when his governor and preceptors left him. It was to that establishment that he had formerly alluded, and to no other. [Mr. Pitt and his friends burst out a laughing]. Lord North said, if gentlemen would consider a moment, they would see he could have no other meaning, when he used the words, "during the present state of the royal family;" and he believed all the House present at the time understood him in the same manner. As a proof that they did not conceive his words in the way the right hon. gentleman did, not one person, at the time it was spoken, put the construction on them he was pleased to do. The right hon. gentleman had a happy art in making his understanding and misunderstanding suit him as occasion required.

Mr. *W. Pitt* said, the explanation the noble lord had been pleased to give, was certainly a very ingenious one; how far it had proved satisfactory, the feelings of the House had pretty sufficiently evinced. But even taking the matter upon the noble lord's explanation of it, he should still contend, that had he, some years ago, heard what the noble lord had now said, he should have understood him to have meant that no money should be asked for the separate establishment of the prince of Wales. As to the interval between the Prince's being left by his governor and preceptors, and his quitting his father's house, which the noble lord had so curiously resorted to on the present occasion, was there one man who heard him, that imagined such a pledge, as that no money should be asked for a purpose like that, would have been listened to as a pretext for obtaining a grant of 100,000*l.*? The House would have treated such an idea with scorn and with ridicule, and would have refused to vote the 100,000*l.* had it not been universally conceived that the noble lord meant that no application should be made for money for the separate establishment of the prince of Wales. Mr. Pitt took notice of what lord North had said with regard to his having been only chancellor of the Exchequer when application was first made to parliament to pay the debts of the civil list; if he had taken up the matter on false grounds, he said, he had been deceived by relying on an authority, which, though not directly parliamentary, was, in his opinion, a very respectable authority, being no other than a printed speech of a right hon. gentleman then sitting at the noble lord's elbow.

Lord *North* said, that possibly his expla-

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nation had not given the right hon. gentleman satisfaction, and for the best reason in the world—because he was determined not to be satisfied; if so, he must give the matter up: the fact, nevertheless, was as he had stated it. There was one thing, that he must take notice of, and that was another mistake of the right hon. gentleman. The right hon. gentleman had said, that if he had really explained to the committee that he meant only to allude to the establishment for the interval between the Prince of Wales's being quitted by his governor and preceptors, and his coming of age, the committee would never have voted the augmentation of 100,000*l*. Now it so happened that the expression so much talked of had not been used by him till the session after the 100,000*l*. was voted, consequently whether the expression had been understood in the sense that the right hon. gentleman had been pleased to put upon it, or as he had explained it, was a matter perfectly indifferent as to the vote of 100,000*l*. His lordship went into farther argument to shew, that his words had no other, nor could have any other reference whatever, than he had given them. He reminded such of the committee as were present when the augmentation to the civil list had been proposed, that questions had been put to him, Whether any more would be asked for? and something like an assurance of that sort had been endeavoured to be extorted from him, by shifting the question into as many shapes as great ingenuity and great ability could devise, but that he evaded giving any such assurance; the guarded expression, therefore, that he had used, added to the thing itself, demonstrably shewed, that he had no other idea than the one he had before explained. His lordship concluded with observing, that where able and determined misunderstanding was united to able and active understanding, it was not easy for him so to explain himself as to make that explanation be received and acknowledged to be satisfactory.

Mr. *Fox* candidly stated to the committee, that he remembered the period alluded to when the noble lord made use of the words so much taken notice of; it was not, he said, in the same session that the additional grant was made, of course it could not be made for the purpose of getting the House to agree to the grant on those conditions now mentioned; indeed had that construction been put on it, he should have directly answered, that if the additional grant was to enable his Majesty, when the Prince of Wales came of age, to furnish his separate household out of the civil list, it was too great a sum for him to have so many years before hand. He said, that there was a tense in grammar of which the late administration were extremely fond. If they chose to praise themselves, their constant language was, "We *would* have done so and so." If they wished to blame others, the same tense was used; and thus this day rumours were talked of, and some of his Majesty's ministers, it was said, *would* have asked for a great addition to the civil list. The vote before the House was not for any such addition, and therefore that was a sufficient answer. The right hon. Secretary took a retrospect of the sums that had been granted to former Princes of Wales; said they were greatly superior to the present, and, in his mind, his Royal Highness deserved more, not only from his being the heir apparent, but from the many private virtues he possessed. Mr. Fox spoke of the Prince of Wales in terms of the highest praise; and said, he was in the fullest manner entitled to the most affectionate regard of that House and of the whole country, not only for his many great and shining virtues, but also for the ready and dutiful obedience he had on this, as on every other occasion, shewn to his Majesty, whom he was bound to obey in common with every other subject of the realm. Had it, however, remained for him to have advised, or to have come to parliament, he should, as he said before, have asked for a much larger sum. But as the person most proper to decide in this particular had not been of that opinion, it was his duty to obey, and act upon that person's opinion implicitly. He next cleared up the point, that the ministry were by no means to blame in bringing on the matter so late; they would have done it sooner, had they not been obstructed; and if it was a business that ought to have been brought on early in the session, it was the fault of those who were ministers at the early part, that they did not bring it on. Mr. Fox recurred to the mention of the explanation of lord North's words, and took notice of Mr. Pitt's having said, that had his expression been understood as it had that day been explained, it would have been received with scorn and ridicule. Scorn, Mr. Fox observed, was a pretty strong expression, and not very applicable to the manners of that House. With

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something of slight ridicule it might have been treated, and with such a reception he himself had met it at the time. As to a printed speech of his, which the right hon. gentleman had mentioned as his authority for one of his mistakes of that day, he could only say he knew nothing of it. He never saw any speech of his before it was printed, nor had he ever read a speech of his afterwards, because it was no pleasant thing to read what a person had himself said. The speech possibly might be an accurate transcript of what he had said; but he begged not to be pinned down to the words of any speech so given. Mr. Fox earnestly recommended unanimity to the House on the present occasion. He said, let there be what opposite political opinions there might be among them, he hoped both sides would concur in manifesting to his Majesty and the Prince of Wales, that the affection they bore them, and the zeal they felt, cordially to unite in adopting every measure likely to contribute to the promotion of their happiness, ease, and comfort, were superior to every other consideration whatever. For this reason, he should have been glad if the debate that had taken place had been postponed to another opportunity; and that if it was thought proper to censure ministers, some fitter day had been chosen for it.

Mr. *Powys* acknowledged, that he was precipitate the other day in attributing to lord North the construction he had put on his words. He thought the present motion a fair and proper one, and as such gave it his hearty assent. He wished to know whether lord J. Cavendish would pledge himself, that in a future session no farther sum would be required.

Lord *John Cavendish* said, he knew of no farther sum that would be required; but he always made it a rule never to pledge himself to that of which he was not certain.

The Resolution being agreed to, was on the following day reported, when

Governor *Johnstone* said, that no person gave his vote with more sincerity in a hearty concurrence to the resolution than he did; that the mode of the establishment and the sum voted accorded with that spirit of economy and that liberality which belonged to the prince and the people, in the state wherein they found themselves; but from the discourse which had been held on the subject the preceding day, some few observations had occurred to him, which he would now offer to the House. He said, it appeared to him from every thing which had passed, that the obligation of taking the allowance for the Prince of Wales from the civil list, and limiting the requisition to parliament for the sum of 60,000*l.* now voted, was entirely owing to his Majesty; that his ministers had no merit whatever in the alleviations which were thereby effected in the burthens to be imposed on the people; that much praise had been bestowed by ministers on the conduct of the Prince of Wales, for submitting to so small an allowance, but not a word of approbation had dropt from their mouths in praise of the King, who had made the arrangement; that undoubtedly great praise was due to the Prince of Wales for submitting to so small an allowance, in compliance with the filial duty he owed his royal parent. Not because the sum was too small, or inadequate, but after it was clear, from the expressions of the right hon. Secretary, that the prince must have been made to believe, and had been otherwise encouraged to think that double the sum was his due; and this not depending on his father, but 100,000*l.* a year exclusive of the civil list, and arising from a vote of parliament to be settled on the Prince. After such an encouragement to form such ideas, and these communicated by his Majesty's ministers, and now publicly promulgated in parliament, and doubtless privately insinuated again and again to the Prince of Wales, no doubt with the ardour and dissipation natural to youth, it was most meritorious in his Royal Highness to submit (as it was termed) to the King's pleasure; but in no other sense did he see the extraordinary merit of such submission. For in case the establishment now proposed was not equitable and proper, his Majesty was wrong in recommending the sum: the House was doubly to blame in adopting it; and ministers, above all, were reprehensible to recommend it in the deed, and blast it in the act, plainly insinuating to the Prince of Wales, that they wished to give him double the sum, and telling the House, on the other hand, that the proposition before them came from his Majesty, who was not to be controlled by their advice. The contradictions in this conduct are too evident (said the governor) for me to point out. The House are called by ministers to perform a public act of duty. It is right, or it is wrong. It therefore

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behoves every member, when the question is put upon that issue, to speak his sentiments freely, however high the characters to whom it relates may be placed. My opinion is, that the establishment proposed for the Prince of Wales is liberal, and sufficient for all good purposes; 50,000*l.* a year from his Majesty's civil list, and 12,000*l.* a year from the hereditary revenues of Cornwall and Wales, are as much as this country should allow to a prince of Wales before marriage, even if every nerve of finance were not already strained to the utmost oppression of the poor, as well as endangering the channels of vending our manufactures—[Here Mr. Fox laughed]—The governor said, he knew full well, that every sum, of whatever magnitude, appeared as a mite in the eyes of the right hon. Secretary, who set all human ideas at defiance, both in the modes of dissipating and maintaining his private expense; and now he had adopted this last desperate mode of supplying the means of his extravagance and ambition. Still the governor insisted, that a regulated economy was necessary to all men who would act becoming their stations in life; but it became more necessary to a prince, who was to fill a throne, than to any other man, because the greatest art in government consisted in the pursuit of noble objects, and in adjusting and calculating the means to the end, which never could be effected by those who held the squandering of wealth, and the obtaining of money by any means, as matters of no consideration. To his Majesty, therefore, the governor imputed the whole of this just and proper arrangement; it was customary, indeed, to give this praise to the King in all the good and gracious acts of his executive government, and none in general were so lavish in bestowing those terms of commendation on his Majesty as his ministers, when they meant to insinuate that such acts were their own. Happily, in the present case, no such commendations were bestowed on his Majesty; on the contrary, from every just deduction, although not from direct terms, the blame of so pitiful a pittance, as it was called, was thrown on his Majesty, and the delicacy of ministers interfering between the King and his son was stated as their excuse. He thought the same delicacy should have restrained them from uttering such sentiments in full parliament as long as they chose to continue his Majesty's ministers. But, above all, the matter which affected him most was this: his Majesty's ministers had been asked, if they considered this vote of parliament as a sufficient establishment for his Royal Highness, and whether they meant to ask for more. They sullenly declined to give any explanation on the subject, yet they clearly insinuate they must soon ask for more money, because, by the regulations of a certain wonderful reformer, instead of savings from the boasted bill of reform, they felt such pressing incumbrances, that they must ask for additional supplies, instead of offering savings to their disposal. This was, indeed, an odd effect from a reformation so much talked of, still supposing the relation true, which he believed. This might be a reason for augmenting the civil list; but it could be none for augmenting the allowance allotted to the Prince of Wales. If that allowance was too little, it should now be made more; but for ministers to hold out to a young Prince to run in debt, as their language fairly imported, was neither respectful to his Majesty, nor to that House. He thought the allowance ample and sufficient; he thought they owed every obligation to his Majesty for so regulating the arrangement, and saving 100,000*l.* a year to the nation; and he laid in his claim, though it might be simple, unsupported, and unconnected, to oppose such a proposition whenever it came, unless his Royal Highness should marry. In that happy event, nothing should be wanting on his part to increase his income in due proportion to the additional expense which must consequently accrue, or in any other manner to increase his domestic happiness, which no person could wish in every respect more entirely than he did, always declaring, that he considered a perfect agreement with the King his father, as the most essential requisite to continue and complete that happiness.

General *Smith* declared, that he would cheerfully vote the Prince of Wales a much larger establishment, notwithstanding the situation of the country; the splendour of the crown, was the splendour of the people; and it was not fit that the sovereign of so great an empire should be obliged to place himself in narrow circumstances, in order to provide for his son; and therefore if an addition to the civil list should be proposed, he would readily concur in it. He had held this language once before, and some very worthy friends of his had told him, that accustomed in

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the east to the glare of oriental magnificence, he was for introducing more of it here than suited the economy of an European court. But still he was not convinced that it was consistent with the grandeur of this nation, that the King should not have the means of liberally rewarding private merit; or that the heir apparent to the crown should have an income considerably less than that of several noblemen in the kingdom. In France, the princes of the blood were provided for in a stile truly royal; and it would be shameful to allow the Prince of Wales so small an income, that he could not well keep out of debt; his revenue ought to be such as should prevent the necessity of his running into it.

The House agreed to the Resolution *nem. con.*

*Debate in the Commons on the Bill for the Relief of Sufferers by the American War.*] June 24. Lord *John Cavendish* reminded the House, that he had two days before presented a petition from the agents of the American loyalists, and at the same time given notice, that he meant to move something upon it as that day. He rose, therefore, in compliance with that notice. He stated the obligation this country was under to make provision for that unfortunate set of men, whose distresses were to be ascribed to their attachment to this country. Two very respectable gentlemen, members of that House, had acted as commissioners last year and the present, in receiving and determining the claims of such loyalists as stood in immediate need of a temporary supply; and such had been their diligence and judgment, that he meant to continue them, if they could be prevailed on to continue, and to add a few more to them, under the authority of an act of parliament. He would move for a bill instituting a new commission, with additional commissioners and enlarged powers, such as enabling the commissioners to administer oaths, to compel attendance, and in short to give them sufficient authority, to render them competent to discover and ascertain, with some tolerable degree of precision, who were and who were not persons distressed in consequence of the civil war, and persons entitled to the protection and relief of parliament. Every body must see, that it would be incumbent on parliament to do something; to what extent must be governed by the situation of the country; but the more information they had before them, the better they would be able to measure out their relief, and to administer it justly, fairly, and proportionably, to the nature of the case of the parties distressed. At present, he conceived, no man would deny that it was utterly impossible to say what ought to be done towards the relief of those unfortunate and meritorious persons, who had undoubted claims on this country, and who had incurred considerable distress in consequence of their laudable attachment to its cause. He meant therefore to institute a commission for the purpose of inquiring who were the persons so entitled to relief; and he meant also to make it a part of the Bill, that the commissioners should report the result of their enquiries early in the next session to that House, that they might see their way upon the business, and know the grounds of it, before they came to any parliamentary proceeding upon the subject. A great deal would depend upon the United States, as every gentleman must be aware; and they, he trusted, would act liberally on the occasion, and, by a generous determination to forget and forgive, lay the seeds of future confidence between the two countries. This he flattered himself would be the case, because America must see the great value and importance of the friendship of Great Britain, and could not have to learn, that the closer connection there was cemented between Great Britain and the United States, the more their mutual interest and their mutual strength would be promoted and established. But this must necessarily be a work of some little time. Passions, prejudices, and resentment, would, he hoped, die away on both sides; and good-humour, regard, and confidence, increase more and more. That being the case, he trusted by the time the commissioners to be appointed under the new Bill had gone the length of a report, Great Britain and the United States would perfectly understand each other; and between them both, effectual relief would be administered to those who had been distressed in consequence of the late unfortunate civil war. His lordship moved, that the following paragraph of his Majesty's speech, at the commencement of the session, be read: "I have ordered inquiry to be made into the application of the sum voted in support of the American sufferers; and I trust that you will agree



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with me, that a due and generous attention ought to be shewn to those who have relinquished their properties or professions from motives of loyalty to me, or attachment to the mother country." He then moved for leave to bring in a Bill, "for appointing commissioners to inquire into the circumstances of such persons as are reduced to distress by the late unhappy dissentions in America."

Sir *Adam Ferguson* did not well understand the word circumstances; it had a broad meaning; but he understood very well that, in a business of this kind, very strict inquiry should be made into the merits of the persons claiming relief. They might naturally be divided into three classes: 1. those who took up arms, and defended the cause of Great Britain; 2. those who quitted America and their fortunes, and took shelter in this country; 3. those who remained in the provinces and submitted to the American government, but who, when the King's troops appeared among them, seemed to wish well to his Majesty's arms. Now, as it was not in the nature of things that this country could make restitution to all, it was necessary that a discrimination should be made, and that those who had the greatest merits to plead, should get the preference in their claim to relief; but he was afraid that giving this relief at present, would prevent the Americans from doing what they were bound to by the 5th Article of the Provisional Treaty.

Lord *John Cavendish* said, he had purposely moved for the Bill under a general title, meaning that the inquiry of the commissioners should go as largely, and take in as many descriptions of persons as possible. When the Bill should be before the House, it would be for their wisdom to decide how it should be worded, or what form the commission should assume.

Mr. *Baker* thought the House ought to be particularly cautious how they proceeded on a matter of such extreme delicacy. If the title of the Bill extended so largely as it was now moved for, congress might be led into an idea that the British parliament meant to relieve persons of all distinctions, who had been distressed by the American war, and might, without any design of breach of faith on their part, be induced to evade the performance of the 5th article of the treaty. He thought some discrimination necessary; and as the House could only design to turn their attention to such loyalists as did not come within the meaning of the said article, he suggested the propriety of beginning the business in such a way as should clearly point out what their intention really was, and in favour of whom it was to be applied.

Mr. *Fox* begged gentlemen would recollect, that the Bill moved for was not a Bill of relief, but simply of inquiry; and so far would it be from preventing congress from performing their engagement in the fifth article, that it would be of use to ministers in negociating about the performance of that article, as the result of the inquiry would enable them to discriminate those who were included in that Bill from those who were not, and consequently to urge the claim of the former.

Sir *George Howard* said, that the honour of the nation was interested in providing for the loyalists, who had abandoned every thing for this country. He said, that by the latest accounts from America he was informed that congress had not recommended the case of the loyalists to the different states; and that frightened by the threats of the rebels, these unfortunate people would be obliged for ever to quit the continent, to escape the vengeance with which they were threatened, for having been guilty of the crime of loyalty to this country. He said, that in the treaty of truce between Philip 3, of Spain, and the United States of Holland, in 1609, the estates of Philip's adherents were secured to them for the term of the truce, and afterwards secured for ever to their heirs, by the treaty of Munster, in 1648. It would be a disgrace to this country to do less than Philip did for the unfortunate adherents of an unsuccessful cause.

Governor *Johnstone* hoped that the commissioners would fully report the facts upon which they should form their judgment. This was highly necessary, to enable the House to decide upon the whole result of their enquiries; for, certainly, men of different feelings with regard to America, might judge very differently upon the same facts. That this country ought to do something essential for the loyalists, every man of honour must sensibly feel; but in order to be able to know what the House ought to do for them, the House must first be informed in what manner the provisional treaty had been received in America.

General *Conway* said, there was one

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class of loyalists who certainly stood distinct from every other, and whom he hoped were not to wait the slow issue of a formal commission of inquiry, before their obviously meritorious services were rewarded; indeed, such was their situation, that they could not admit of so much delay; he meant the military of America in the British service; those gallant provincial corps, who had actively, and at the hazard of their lives as well as their fortunes, drawn the sword in the cause of Great Britain.

Lord *North* observed, that there could no injury arise from providing for those who had taken up arms against America, as they were expressly excluded from any benefit under the 5th article ef the provisional treaty; it was his intention, therefore, to move on Friday, that the officers of the provincial regiments should receive half pay, and retain their rank, (in America only), with this condition, that if they should ever be restord to their possessions, or live out of the king's dominions, their half-pay should cease.

After some further conversation, leave was given to bring in the Bill.

*Debate in the Lords on the County Gaols' Bill.*] June 25. The order of the day for the second reading of the Bill to explain and amend an Act of the 11th and 12th Will. 3, entitled, "An Act to enable justices of the peace to build and repair gaols in their respective counties," being read,

Lord *Walsingham* delivered his sentiments on the Bill. He began by complaining of the custom which was now so prevalent, of sending up Bills from the House of Commons, without authorizing some noble lord to explain their contents to the House. This always was necessary; but more particularly so, when the object was to alter old laws, laws passed in the best periods of our history: such was this Bill. It was a Bill to alter and extend a law of king William, by which justices were empowered to build, finish, and repair gaols: but then they were to be a majority of the justices of the county at large. It was stated that there was a difficulty in procuring their attendance; and this Act was to enable a majority of the justices, assembled at the quarter sessions, to build, but not, as the former Act proposed, to rebuild gaols. He begged to know if that was mistake or design: if a mistake, it should be set right; if design, it was absurd. It was a great power to give to so small a number of justices; they might by this Bill raise any sum for any purposes of improvement, and to any extent; five justices might do it, three, nay even two. Surely it should be with a certain check, reserve, and control; and therefore, he would propose that they should be invested with power to contract for the buildings, overlook the estimates, settle the plans; but he could wish, that as so many gentlemen of property in every county were materially concerned in such plan, they might finally revise, and approve of such plan and contract, by a majority of the grand jury at the next quarter sessions. He professed himself a warm friend to the principle of the Bill. He cited the authority of Mr. Howard, to prove the horrid state in which our prisons in this country were at this moment. He described them as being destitute of every accommodation necessary, not for the comfort only, but for the support of life. Neither food, fire, water, straw, light, or even medicine, were allowed, in some instances, to the unhappy sufferers, who were immured in dungeons; some of them under ground, under water, loaded with irons, equally the innocent and guilty, subject to pestilential disorders from being crowded together, and falling unhappy victims to the gaol distemper. Did we call ourselves a land of liberty? Did we boast of our civil government, our laws, our excellent constitution? Was it not true, that the more the country was despotic, the more anxiously were the criminals provided for, and their safety, health, and comfort attended to? It was a great national object, and worthy consideration. Look at the regulations made by the empress of Russia, so well described by Mr. Coxe, in his visit to the northern courts. See her with a dignity and benevolence of mind, truly worthy of so exalted a character, writing down institutions for the government of her criminals with her own hand: see her attentive to every circumstance of dress, of cleanliness, of separation; ordering that juniper berries should be burnt in the gaols; giving them directions for their food, ordering them vegetables, and using every precaution which came recommended by our own writers, Mr. Howard in particular; and practised in every country in Europe more than in this. See the court of France delegating to the parliament of Paris the execution of those salutary regulations, which were

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introduced at the beginning of the present century, and which they have thought fit most wisely to observe. See in Flanders the same regulations prevail: see in Germany, in Switzerland, cleanliness and separation the leading characteristics of their directions for the management of their prisons. Do not let us shrink at the comparison, and turn aside from it. Let us consider it as an incentive and an emulating inducement with us to out-rival them; and to persuade ourselves that slothfulness, disease, and universal corruption and depravity of manners, are not the necessary attendants upon the horrors of confinement. After having dwelt for some time on the management and laws of the different foreign prisons, in all the various countries of Europe, and pointed them out as a great instance of the policy, and test of the character of every state, he came to the subject of debtors, who, he said, were unjustly and injuriously mixed with criminals of all sorts—with felons and with murderers, without distinction of crime, age, sex, or education. He said, no system of laws in any civilized country upon the face of the globe, which professed a regard for the civil liberty of the subject, were so ill calculated to reclaim, to reform, to prevent the mischief they professed to remedy, as that of this country. He said, that acts of insolvency were a necessary, but a fatal remedy. Don't let the number of our debtors, he said, be attributed to our being a commercial country. In Amsterdam there were, at one time, when Mr. Howard visited it, eighteen; at another time, fifteen debtors. It must arise from the internal deficiency of our laws; for in other countries there are few or no debtors, comparatively speaking with our own. In France they bear no proportion to ours. These laws have deservedly, on a former occasion, been the object of consideration in this House; when, by an Act, emphatically called, "The Lord's Act," many comforts were provided for debtors, which did honour to the heads that suggested them, and to the hearts which sympathised in such distress; but these were but temporary and external remedies. Let us now strike at the root of the disorder, revise the whole absurd and impolitic system from the beginning to the end; above all, never consign debtors promiscuously to the company of felons, where the young are not more ready to learn than the old are eager to teach. Let them be kept separate, and out of the way of constant temptation to indecency, immorality, drunkenness, and every other vice which can deprave the human heart. These were regulations which ought to be made; but if he were to introduce them into this Bill, he should be told that the expense would make it insupportable, as if the state could not regain, by the preservation of the lives and morals of its subjects, the sums of money which such regulations would call for, great as they might be. Look at the splendour and magnificence of the ball-rooms; look at the subscriptions to country races, to plates, and to all the fashionable vices and dissipation of the age, and then let us be told that the counties cannot afford a small part of these sums to relieve the agonies of the many who are confined, from misfortunes which they could neither foresee nor prevent—for debts which they cannot pay, and for fees which are illegally extorted from them. However, in the few alterations he meant to propose, he would not loose sight in future, or be understood to give up those excellent regulations, so generally recommended by all modern writers on these subjects; but if this Bill could not comprehend them, perhaps a noble lord (Mansfield) who was deservedly the ornament of his country and profession, would advise the judges to recommend an attention to them in their different circuits, that might answer the purpose for the present; and whatever came from that learned lord must secure public obedience and respect.

Lord *Loughborough* paid a high compliment to the noble lord, for his benevolent intentions in a matter which most forcibly called on the humanity and policy of the nation: but in regard to the alteration suggested by the noble lord, he begged leave to say, that the grand jury ought not to be the persons to whom the disposal of the money of the county should be left. As a grand jury they might dispose of it; the same in their character of justices; that is, the members of the grand jury might act. But a grand jury was a fluctuating body, existing but for a few hours; and they were not the persons to whom these powers had been usually committed.

Lord *Walsingham* said, he would be happy to agree to the alteration that the learned lord had suggested, only observing, that the appeal would lie from the justices to the same justices, and they would certainly confirm their own con-

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tracts. He had thought a wider and more general concurrence would be necessary; as, otherways, local interest, particularly with respect to the spot upon which a gaol should be built, might, at least, but too frequently prevail, as the various contests in different counties, particularly in Essex, would enable gentlemen to recollect. He said, he could not tell why, in almost every instance, particular acts of parliament were necessary for each gaol in each county; but so it was; that the last general bill had been found so defective, as never to have been thought sufficient to act upon; and he wished that somebody would explain the point in which that deficiency lay.

The Bill was read a second time.

*Debate in the Lords on the Election Bribery Bill.*] The Earl of *Sandwich* moved, that the second reading of the Bill should be postponed to that day two months. His reasons for putting it off to a long day, was to prevent its passing into a law: and he was induced so to do, because he thought that, however well intentioned the principle of the Bill might be, yet its clauses went not only to defeat its effect in respect to bribery, but to destroy the inherent rights, privileges, and franchise of the subject. By the Bill, as it now stood, a poor man was excluded from voting, that was, the penalty of the offence was tantamount to a prohibition of a voting; for if he received six-pence to defray his expenses, he was liable to pay 500*l.* Five hundred pounds to a journeyman handicraft was imprisonment for life. The Bill stated, that it was to prevent expenses at elections, but it went to increase them; for according to the tenor of wording it, there was to be an agent appointed to every coach, chaise, diligence, and horse at every inn on the roads all round England, to the places of election, in order to provide beds, dinners, and suppers for the freemen, burgesses, and freeholders, as they passed and repassed to and from the place of election. Such, he said, would be the situation of those voters, not inhabitants of the town or city where the election was held. Was this serving the country? Was this providing against bribery at elections? No; it was destroying the freedom of the one, and encouraging the propagation of the other. It was, in fact, a bill of absurdities, and such as was fraught with much mischief to the constitutional freedom of election.

The Earl of *Radnor* replied, that although he coincided with the noble lord in respect to the enormous penalty of 500*l.* yet he thought, that by amending the Bill, it might be made a good one. An idea, indeed, might start, that as it was a money bill, and as it merely respected the privileges of the Commons, they might throw it out if it was altered: but he believed the contrary. Yet if they did so, both Houses might then come to an understanding, that something of the kind ought to be done, and a new bill conformably to the sentiments of both be brought in accordingly.

The Earl of *Coventry* thought the Bill should go into the Committee at least. He did not see the objections in those strong points of view in which they appeared to the noble earl, and he thought that a day or two spent in election by a tradesman, without being paid for his attendance, would no more injure him than so much holiday time spent on Easter Monday.

Lord *Onslow* was clearly of opinion, that the Bill should not pass into a law, as it would, in effect, disfranchise all non-resident freemen, and thereby injure the right of election.

Lord *Sydney* was for committing the Bill, as he thought it would answer the end proposed.

Lord *Stormont* was of a contrary opinion, and contended for postponing it for two months, and thereby getting rid of a matter, which, if it was carried into a law, would do a most essential mischief to the constitution, without any one advantage arising from it.

The Earl of *Effingham* said, that bribery at elections was evident, and that some mode ought to be adopted to prevent it; and he saw none so likely to effect it as the present Bill, if passed into a law.

The House divided: Contents 18; Noncontents 16. The Bill was therefore rejected.

*Debate on Lord North's Motion for Half-pay to certain American Provincial Corps.*] June 27. On the order of the day for going into a Committee of Supply, Lord *North* rose to move, "That it be an instruction to the said Committee, that they do consider of allowing half-pay to certain Provincial corps who served with his Majesty's troops during the late war in America." He said, that this appeal in behalf of those unfortunate gentlemen, was to the munificence, the liberality, the

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gratitude, or to speak more truly, to the justice of this country. Comfortably settled in their respective provinces, they chearfully stood forth in obedience to his Majesty's proclamations, to testify their loyalty to their sovereign, and their attachment to the British constitution; they left their friends and relations, they abandoned their possessions, they sacrificed their fortunes, and they risked their lives for our cause; they fought with us—they fought for us; and during the course of a long, laborious and unfortunate war, they, on many occasions sealed, with their own blood, their attachment to Great Britain. Would that House, therefore, to whom these gallant men now looked, as to their only hope, blast this last, this only hope? Would they suffer the heart-breaking tidings to be carried over to America, that they were deserted by England, for whose sake they had deserted every thing dear to them? That they were to be disbanded and abandoned at one moment by this country? He trusted not; he trusted that the justice, the humanity, the gratitude of that House were too deeply interested in their cause, ever to suffer them to turn their backs on these faithful subjects and gallant soldiers. On these grounds chiefly did he rest his appeal in their favour. He would not have this considered in the light of a job; if he thought that it had the least resemblance to it, he would be the very first to oppose it; and if there were any men among these officers, who were not proper objects of national gratitude, he would willingly exclude them from the benefit of the half-pay, which he should propose to be given to the officers in general. It had been suggested, that there were persons in the provincial regiments, who did not come under the description of American loyalists. He had taken pains to be informed very minutely on the subject by colonel Innis, the inspector-general of 21 of these corps; and he found there were among them three descriptions of officers; the first, those who, born in America, had sacrificed their fortunes to their loyalty, and joined the King's forces; the second, those who, though born in his Majesty's European dominions, had been long settled in America, and resided in the country before the war broke out; and lastly, those who, born in Europe, went over to America when the war broke out, and served as volunteers in our army. Of these last he found that there were 1 major, 9 captains, 21 lieutenants, and 13 ensigns, which would appear a very small number indeed, when he should inform the House that he proposed to provide in all for 19 majors, and above 100 of each of the other three descriptions of officers. The half-pay for the whole of the officers of the 21 corps, would amount to 31,783*l.* 5*s.* 10*d.* and that part of it which should be given to the above 1 major, 9 captains, 21 lieutenants, and 13 ensigns, who were not natives of America, or long residents, would amount to little more than 2,000*l.* That such of the officers as were native Americans were justly entitled to relief, no man of feeling would deny; that others, who, though born in Great Britain or Ireland, had been long settled in America, and had abandoned their lands and fortunes to support the common cause, were no less entitled, was a proposition to which he did not expect any opposition. It had been suggested on a former day, that there were among those officers several, who, having sold out of the regulars, had obtained commissions in the Provincial corps; on inquiry, he found there were five only of this description; and he made no difficulty to say that he should not think it any hardship, if they were entirely excluded from half-pay. Having stated the pretensions of the American corps, from their loyalty and their meritorious services, he mentioned the letter from lord George Germain to sir Henry Clinton, in which a promise of half-pay was held out, not only to the corps which should be raised after the receipt of the letter, but also before it, so that there was a retrospect as well as a prospect; and what was not a little remarkable, the Highland emigrants, who had been raised before the writing of that letter under col. M'Lean, had not only been promised half-pay, but had afterwards been put upon the British establishment, and formed now the 84th regiment. There was a condition indeed in the letter, which had been literally fulfilled only by three regiments; namely, that the commander in chief should not recommend any one regiment to half-pay, that should not be completed to the standard of the British establishment; but the other corps had been prevented only by their being constantly sent on duty, and drained of their men; so that their drains were more copious than their resources. The Queen's Rangers in particular, had raised between 3,000 and 4,000 men, and yet had never been able to muster, at one time, more than 300, so constant was their

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service in the field; and he hoped, that since that was the cause that prevented them from complying with the condition, the generosity of the House would incline them to judge according to the spirit, not according to the letter of the condition. He particularly mentioned the correspondence which had taken place on the subject, and stated the expectation under which the corps were raised. He again recommended these gallant officers to the justice of the House, claiming for them a small relief indeed, but which they had earned by their loyalty as citizens, and their faithful and gallant services as soldiers. He concluded by saying, that he would, in the committee, move only for 15,000*l.* towards, and on account of, half-pay to these corps.

Mr. *W. Grenville* objected not to the proposed relief itself, but to the mode of it. He said every man must feel for the situation of these unfortunate men, and no one could be so barbarous or unjust as to reject their claims upon this country; but still this did not appear to him the proper mode to relieve them. No man, he believed, would say, that the provincial corps did not deserve well of this country, and that they ought not to be considered as entitled to a grateful return. That was a position that was certainly indisputable; and if no other means could be found for rewarding the merit of the officers of the provincial corps, than granting them half-pay, in the manner proposed by the noble lord, there was not a man in the kingdom who would more zealously endeavour to support such a proposition than himself. The question, however, was not, he conceived, of so confined a nature, and as there were other modes open for their relief, he should, without dread of having his humanity impeached, venture to oppose the present mode, and endeavour to shew, that the noble lord had neither proved it to be justified by fact, nor supported by such argument as ought to have sufficient weight with the House to induce them to adopt it. The noble lord had ranged the officers of the provincial corps under three descriptions. Their claims to reward the noble lord had stated likewise upon three grounds. He had rested a good deal upon their general merit as soldiers, much upon their sufferings as loyalists, and still more upon the promise held to them in lord G. Germain's letter. He would undertake to shew, that upon neither of these three grounds was the motion supportable. In point of general merit as soldiers, that surely was so broad a plea, that every regiment raised at home, without being given to expect half-pay, during the war, and which had served abroad meritoriously, must be admitted to have an equally just claim to half-pay on the same account. As loyalists, there was another, and, in his opinion, a better mode of rewarding them. A bill had been lately brought in for the institution of a commission, for the purpose of investigating the particular merits and sufferings of the loyalists. Under that commission, the persons in question seemed properly to fall; and under that alone was it to be expected, that a due discrimination could be made of their respective merits. The circumstance of having borne arms, and been in active service, would, doubtless, appear to the commissioners a matter strongly in their favour; and they would, by their manner of recommending them, take care to place these loyalists, who had borne arms, in a point of view infinitely superior to that other description of loyalists, who had ignominiously left America on the commencement of the war, and by their insidious counsels here, and their artful misrepresentations, induced government to persist in a fatal error, and had in fact been themselves the principal cause of all our present misfortunes. Upon the promise held out in lord G. Germain's letter, he was persuaded they had no right whatever to expect or claim half-pay. He stated that letter to contain an illegal promise, no way authorized by parliament, who must make good the promise, if made good at all. But allowing the promise to be of sufficient authority, and that the letter was admissible evidence, there were parts in that evidence extremely material to prove what he now asserted. Mr. Grenville here read several passages that prescribed the terms on which alone the officers of the regiments were to have half-pay. He also called for another letter from the American secretary to sir Henry Clinton, in which sir Henry was directed to cause an inquiry to be instituted into the individual character of each officer, to ascertain what had been his former occupation, how long he had been in the service, as an officer of provincials, and other particulars; all of which were to be reported, first to the commander in chief, and from him to the secretary of state,

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in order that the King might judge who was proper to be allowed half-pay before it was allowed. Mr. Grenville observed, that no such report, as was here described, was before the House; he took it for granted, therefore, that no such report had been made; and that being the case, he asked, whether the House was willing to pass an act so inconsonant to the dignity of their proceedings, so unworthy their own honour, as to vote half-pay to the officers of the provincial corps, without having before them that proof of their being entitled to it, which the secretaries of state and ministers in general had thought requisite, before they themselves assented to such a favour?

Sir *George Howard* spoke very feelingly in favour of the officers of the American corps, whom, by every rule of justice, equity, and gratitude, we were bound to protect; and the more so, as he had very good authority to say, that they were, most of them, reduced to a state very little removed from beggary; and that, though they should be abandoned by this country, he believed they never would consent to live under the dominion of congress. As to such officers as had sold out of our service at very low prices indeed, as he was informed, and afterwards got commissions for higher rank in the provincial corps than they had enjoyed in the regulars, he would by no means consent that they should get half-pay, one of them however excepted, major Green; he was besieged at Ninety-six, and attacked both under and over ground, till by the undermining the enemy had got possession of the fosse; the major sallied immediately at the head of his little garrison, beat back the enemy, and recovered the fosse; and the rebels were so disconcerted, that they raised the seige and marched off. The brilliancy and spirit of the action ought to procure the gallant major both rank and half-pay.

Mr. *Powys* said, the noble lord had so confounded the different grounds on which he meant to rest the present proposition, that it was difficult to investigate his argument. Upon the promise held out by the letter of lord G. Germain, it was evident the officers of the provincial corps had no right to claim half-pay; as coming under the general description of loyalists, who had suffered for their attachment to this country, they certainly became fitter objects of the enquiry of the commissioners, than of the motion intended to be made in the committee. Upon the claim of common military merit, they by no means stood alone. There had been various regiments raised, which had seen hot and active services as well as they, who ought to have half-pay, if they had. Mr. Powys mentioned the regiments of colonel Keating, colonel M'Cormick, and the others that had served in the West Indies. Mr. Powys said, he had been a little astonished to see the business moved from such a quarter; but when he reflected a little, his surprise had ceased: certainly neither the Secretary at War, nor the Commander in Chief, could be prevailed on to agitate a business shocking to military ideas.

Lord *North* said, he had moved the business, because it fell immediately within his province as secretary of state for the southern department.

The *Secretary at War* rose to declare, that provincial corps had never been under the cognizance of his office. He expressed his surprise at the motion having met with any opposition, and reminded the House, that the peace had been condemned by them principally on account of the inhumanity of it with respect to the very corps that had been so much the subject of discussion.

Mr. *W. Pitt* said, he should add to the surprise of the right hon. gentleman, by declaring that he strongly objected to the motion. That peace, which the right hon. gentleman had been pleased to say the House had condemned, he had been concerned in making; and he should neither be at any time ashamed of the part he had taken on that occasion, nor ready to submit to the charge of having neglected the loyalists, conscious as he was, that every thing had been done for that deserving, but unfortunate set of men, that the circumstance of the moment would allow. With regard to the present question, it was a question of mode, and not of matter; every body was agreed that the provincial regiments deserved a most grateful return for their services. The sole argument was, which was the best mode of making that return? He was inclined to adopt what had been so ably recommended by his hon. friend, who first started an objection to the motion; because he thought it the most regular mode, the most consonant to the rules and practice of that House, and the mode best adapted to the purpose. With regard to the noble lord's proposition to vote 30,000*l.* for the half pay of the

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provincial corps, what was it, but a part of the profuse and wasteful system that had characterized the whole of the American war? A proposition, blindly and absurdly to vote away the public money, without information, without estimate, and upon no certain ground whatever. With regard to the hope of half-pay held out by the secretary of state's letter, what authority had any minister to make such an unconstitutional promise? In the first place, he was inclined to dispute the authority of it. In the next, he could not, as a member of parliament, consent to vote without a previous estimate of the matter to be voted. According to the established practice of the House, there must elapse ten days at least before any estimate laid upon the table could be voted. In the present case, there had been no estimate whatever before the House, nor did the House, parliamentarily speaking, know any thing of the twenty one corps in question.

General *Conway* could not but support a motion, which he was convinced was founded in humanity, justice, and national honour. He disliked the American war, and had repeatedly declared his disapprobation of the noble lord in the blue ribbon's principles respecting that war; he therefore, could not be supposed to be a friend to any similar waste of the public money; but the case in question was, in his mind, far different. The provincial corps and he had differed in political opinion as widely as men could differ; but God forbid he should ever become the slave of a policy so narrow-minded and selfish as not to allow every just tribute of praise to those who had bravely served their country in a cause about the origin of which he and they entertained different sentiments. The right hon. gentleman had said, the provincial corps were unknown to that House. Was that the fact? Had they not year after year been stated and voted? Would any man living pretend it was a secret to that House that any such corps existed? He trusted there was not in being a man so lost to all sense of shame as to pretend that he thought so. With regard to lord G. Germain's letter, was it not the known prerogative of the crown to raise what military force it pleased during the war? Could not the crown employ foreign troops? In what, therefore, consisted the unconstitutional act of employing provincial corps? He stated the claims of the provincial corps in the strongest manner, declaring that he knew they had such a rooted dislike to congress, that, let their fate be what it might, they would not enter into the American service. Not to vote the half-pay, would be to turn them over to instant beggary and despair.

After some further conversation the motion was agreed to.

June 30. The report of the Committee being brought up,

Mr. *Martin* said, that he certainly did not rise to oppose the resolution respecting those called the American loyalists, but merely to state to the House upon what principle he should give his consent to it. However he might differ in opinion from, or however culpable he might think any individual, or any body of men, he harboured so little the spirit of malice or revenge, that he never wished to punish, for the sake of punishment only, any person whatever; but he could never agree with those gentlemen who had for a course of years condemned the American war, as cruel and unjust, and now proposed to make a provision for those who had supported us in it. If such persons were in misery or distress, let them be relieved from motives of humanity. He thought that a sense of guilt and self-reproach was sufficient punishment; and that such feelings must be the lot of those who had fought in support of coercive measures against the liberties of their country. He prayed, that if they had so acted in the face of their consciences, and not from disinterested and honest motives, that God would forgive them. He said, the American war had ended as had been long foretold, and as he had devoutly wished it might end, in the triumph of right and justice over coercion and despotism; and he trusted that this great event would be an awful and permanent warning to this and every other powerful nation, to rule their subjects with equity, mildness, and persuasion, rather than threats, coercion, and the force of arms. If we should continue to act upon tyrannical principles, it might be expected that the just judgments of heaven would light upon us, and deprive us of that liberty which we refused to others. He was sorry to have been absent from the House some days ago, when a petition was presented to the House by a body of men, for whom he always had entertained the highest respect; he meant the people called Quakers. Though he



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might think some of their speculative doctrines not perfectly reasonable, yet, considering their excellent morals, and the purity and simplicity of their manners, he regarded them as approaching nearer to the true spirit of Christianity than any other sect: these benevolent men had remonstrated with great reason against that most inhuman practice of buying and selling their fellow-creatures, the negroes, with as little scruple as they deal in cattle, and treating them, for the most part, with much more cruelty; he said, that he held it to be a most abominable proceeding; and that if men had not, in a melancholy degree, the art of deceiving themselves and reconciling any thing to their consciences, however wicked, that they imagined to be for their present, though mistaken interest, they would not suffer such an enormity to be continued. He would mention one more instance of our crying injustice, and mention it the rather, as the objection which had been generally made to the reform of it had been happily removed by the restoration of peace; he meant that most diabolical of all tyranny, the impressing of seamen. He believed it would not be regular on the present question to dwell on these grievances, however heavily felt; but he only wished to warn the country against the continuation of oppression in any form or shape whatever. He would only add, that if he had expressed himself with too much warmth, he hoped it would be attributed rather to his want of ability in language than to any willingness to give offence; at the same time he must say, that though he would cordially wish to avoid incurring the displeasure of any individuals, or bodies of men, yet, if he could not deliver his real and honest sentiments without that inconvenience, he should think it his duty to submit to it, however great, rather than meanly to stifle his opinion for the sake of continuing in favour with any man, or any description of men whatever. He knew well, and was thoroughly aware, that such conduct was not the short way to what was esteemed worldly prosperity; but he was confident that it was the direct road to the approbation of worthy characters, and to what was still more essential, internal peace, and self-approbation and contentment.

Lord *Surrey* supported the resolution. He observed, that the ruinous American war had been pretty generally blamed; but he thought the nation bound by every tie of honour to hold out some protection to the poor loyalists.

The Report of the Committee was agreed to.

*Debate in the Commons on the Exchequer Regulation Bill.*] June 23. Lord *John Cavendish* requested the House would recollect, that, on a former occasion, he had thrown out an idea relative to a reform in the offices of his Majesty's Exchequer; it was now his intention to carry that idea into effect: there were some offices, such as that of usher of the exchequer, which he meant should be entirely abolished after the deaths of the present possessors: the tellerships he did not intend to abolish, but to reform; they had been usually bestowed on the sons of chancellors, who were thus rewarded in the persons of their children for their own services: he wished, therefore, to preserve them for laudable purposes; but the fees, which appeared too considerable, should be reduced after the expiration of the patents under which the present tellers held. He then moved "for leave to bring in a Bill for establishing certain regulations in the receipt of his Majesty's Exchequer."

Mr. *Powys* asked if any Bill was to be brought in this year to compel public accomptants to pay in their balances. A desultory conversation took place, in which a bill that had been filed against Mr. Powell, as one of the executors of lord Holland, and which had abated in consequence of his death, became the subject of conversation, Mr. Kenyon desiring to know if there was any intention of reviving it.

Lord *John Cavendish* said, he was not prepared to answer the questions: but would take care to be better informed on some future day.

The *Solicitor General* said, he never would revive the Bill to the full extent of the one which had abated; he understood that the former was for the recovery of all the interest that had ever been made out of the public money by lord Holland; a measure which appeared to him so unjust, oppressive, and vexatious; so contrary to the received practice of all paymasters for a century, and would lay under such terrible apprehensions the descendants of all former paymasters, without any limitation as to time, that he would sooner resign his office than assist in such a measure.

Mr. *Fox* complained, that of all the former paymasters, his father was the only

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one whom the late administration had singled out for the purpose of exacting from his executors what would reduce to beggary his whole family, and what the descendants of all his predecessors had been suffered to enjoy as their just and fair inheritance, namely, the interest, not of any money with-held from the public after it had been called for, but all the accumulated interest that had ever been made by a paymaster: this was a prosecution of such a nature, considering the situation in which he stood with respect to the ministers when it was commenced, that looked very like a persecution.

Mr. *W. Pitt* agreed, that he did not think such interest ought to be demanded by the public; but still he thought the late attorney-general had done right in demanding all that he conceived the public had a legal claim to; if the claim should be found to be oppressive, as he thought it would, the legislature could then give relief; but it ought not to be at the discretion of an attorney-general to leave undemanded any right of the crown.

Mr. *Burke* replied, that Empson and Dudley might be defended on precisely the same ground.

Leave was given to bring in the Bill.

July 4. The House went into a Committee on the Bill.

Lord *John Cavendish* proposed, that after the interest of the present auditor and tellers of the Exchequer, and of the clerk of the pells, in their respective places shall have ceased and determined, the salaries of these officers in future shall be fixed and certain, and as follow: the place of auditor, 4,000*l.* a year; each tellership, 2,700*l.*; clerkship of the pells, 3,000*l.*; the place of deputy to each of the four tellers, 1,000*l.*; the place of deputy to the deputies to be totally abolished; the deputy to the clerk of the pells, 800*l.*; and the receiver under him, 200*l.* He said that the fees should for ever be continued, but not divided among the different officers who shall succeed those who now hold by patent; that of these fees a fund should be made, out of which the salaries should be paid; the surplus to be divided into three parts, two of which to be applied to the use of the public, the other to the civil list, if it should be found to stand in need of it. From the reports of the commissioners of accounts, it appeared that the present income of the tellers amounted in peace to something more than 2,500*l.* per annum, and in war to near 8,000*l.* The commissioners of accounts had pointed out the degree to which the cause of complaint prevailed, and they had advised a correction of it. That any individual subject should hold an office so circumstanced, that its emoluments should increase in proportion as the expense, distress, and difficulty of the country increased, was certainly a matter that every man must think improper, and wish to have altered. This was the evil which the present Bill was intended to cure, and upon that ground principally was the whole of it constructed. In applying the remedy, however, government had endeavoured to extend their views a little farther, and had not merely contented themselves with aiming at the correction of a present abuse, but had endeavoured so to correct it, as to provide an effectual and permanent benefit for the public in future. It had been the general opinion, that the emoluments of the principal officers of the Exchequer ought to be reduced to the standard of their amount during times of peace; in the present Bill, another opinion was put in practice: it had, upon examination been found, that the emoluments of some of the officers of the Exchequer, even during times of peace, were inordinately large, and indeed much larger than they ought to be, when considered in any reasonable point of view. In the proposed amendment of the clause, therefore, it was intended to submit to the House such allowances for the several officers as would, in some instances, fall under the amount of their average emoluments in time of peace; in others, for reasons which he would state, a trifling addition to the amount of their peace emoluments were meant to be proposed. In effecting an alteration of so much importance, two things were necessary to be adverted to: sinecures of too enormous a size ought not to be suffered to remain; neither ought they, if it was judged proper that they should remain at all, be so cut down, as that they might not be held out by the crown, and looked up to by men of considerable talents, as fit rewards for distinguished public service in eminent situations of the state.—His lordship next spoke to the appropriation of the savings of the fee fund, and said, if there should be any loss on carrying the Bill into effect, his intention was to charge one-third of that loss to the civil list, and two-thirds of it to the public. If, on the other hand, there

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should be a profit (and he owned, he believed it to be infinitely more probable), he thought it fair to divide the surplus of that profit, after deducting the salaries of the officers, and the other expenses, in the same proportion. His lordship stated, that as the civil list was at present chargeable with a great part of the expense of the establishment of the Exchequer, it was but equitable that it should have its share of the savings arising from a reform adapted to that office. He then moved, That the blanks in the clause should be filled up, as he had mentioned.

Mr. *Hussey* objected to the salary of the tellers, as exceeding that of even the present tellers by near 200*l.* a year each.

Mr. *Pulteney* found the same fault with the motion, and said that 2,500*l.* would be sufficient both for peace and war; he observed, that the noble lord had taken no notice of the application of the present expense of the second clerks of the four tellers. With regard to the tellers, the noble lord had acknowledged that their places were absolute sinecures; why, then, should not the peace emolument of their office be thought sufficient? As the blanks were proposed to be filled up, they were not only to have 200*l.* a year more than their peace emolument, but their clerks were to have 1,000*l.* a year. Now it ought to be considered, that the tellers had the appointment of their own clerks, and therefore the amount of tellers salaries, and the amount of the salaries of the tellers head clerks, or deputies, might be regarded as so much to each teller. He said, it was a fact well known, that the first clerk was the man who actually did the business of the teller; and that such clerks had done the whole duty of the office for 400*l.* a year. This being the case, he saw no reason for allowing the tellers more than the amount of their peace emolument. Least of all did he see any thing like a reason for so unnecessary an increase of their deputies' salary, which was nothing more than giving the tellers 600*l.* a year additional sinecure. He saw no reason for dividing the savings in the manner the noble lord had stated. Why was the civil list to share with the public in the participation? Eight or nine hundred thousand pounds a year were granted to the crown by way of civil list, on the implied condition, that the officers of the Exchequer, and various others, were to be provided for out of it. On that condition the money was given. If then, by any reform of the Exchequer, a considerable sum could be saved to the public, why ought not the public to have the whole of the benefit? What pretence had the civil list to expect or receive any share of it? Indisputably it had none; and therefore when the committee came to the proper clause, he should have something to offer to their consideration on that topic. He strongly objected to granting the tellers more than the amount of their peace emoluments; but more particularly laid his finger on the proposed increase of salary of the tellers' deputies or chief clerks. He talked of the great influence the Bill would throw into the scale of the crown; and concluded with moving, "That the blank to be filled with the sum voted for the latter purpose, be filled with the words '400*l.*' instead of '1,000*l.*'"

Mr. *W. Pitt* said, that since it was avowed that the tellerships of the Exchequer were sinecures, he could not, by any means, consent to the proposition that the clerks should have 1,000*l.* a year. All the actual business had been done for 400*l.* To what purpose, then, give away 600*l.* a year? There was something so bare-faced, something so unreasonable in the idea, that he could not but concur with the hon. gentleman in his motion, since neither natural inclination, a necessary attention to the state of the country, nor the least regard to a conscientious discharge of his duty, as a member of parliament, would suffer him to vote away the public money so unwarrantably. Mr. Pitt talked of the petitions of the people for reform; and asked what would be the opinion without doors of conduct like that the House were then advised to pursue? The principal offices in the Exchequer were in the face of day declared to be sinecures. The offices of the four tellers were indisputably sinecures, and it was now proposed to pay them 2,700*l.* a year for themselves, and to give their deputies, whom they themselves appointed, 1,000*l.* a year! This was a degree of extravagant and improvident expenditure of the public money, to which he never could consent; he therefore concurred entirely with the hon. gentleman near him. Nay, his ideas went farther; he thought the emoluments of the other places stated at a much higher rate than they ought to be. He had no notion of swelling the emoluments of sinecures unnecessarily and inordinately; he should therefore object to the whole of the clause as amended.

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Mr. Secretary *Fox* said, that the principle of the Bill was not so much to reduce the salaries of these offices, as to prevent the emoluments arising from them from increasing with the public burthens, and the holders of them from being enriched in proportion as the public should grow poorer: and therefore the fixed salaries moved for by his noble friend, were perfectly in unison with the principle of the Bill. As to the four deputies, he thought the salary of 1,000*l.* each far from being too much, because their offices were by no means sinecures; and as they held places of very great trust, none but persons of considerable character ought to be employed in them; and for such persons 400*l.* a year would be too inconsiderable a salary. He said, if the Bill had purported to be a Bill principally brought in for the purpose of effecting that kind of reform which had economy merely in view, he should, for one, subscribe to the sort of arguments he had heard against it; but the chief object of the Bill was of another nature. His noble friend had proposed it, in order to put an end to a matter that was in itself extremely odious, and had been much, and, in his opinion, very justly complained of, namely the existence of offices, the holders of which received an increase of emolument in proportion as the expenses of the country increased, and who grew rich upon the aggravation of the public burthen, and the public distress. That was the chief aim of the Bill; and that, as the clause was proposed to be amended, it fully and completely answered. With regard to the influence of the crown, much as he was an enemy to the increase of any undue influence, he was convinced, that it was impossible for the government of a great kingdom to go on, unless it had certain lucrative and honourable situations to bestow on its officers in a peculiar line, as a provision for their families, and a reward for their eminent and distinguished services. Of this sort were the places in the Exchequer, which, though it might be necessary to lessen their inordinate emoluments in times and seasons when they undoubtedly ought not to increase, yet care ought to be taken, not to pare them so close, or to lower them so much as to render them unworthy the acceptance or expectations of great and distinguished characters. In putting the tellers at 2,700*l.* his noble friend had barely put them above their average peace amount; and he made no doubt but his noble friend meant no more. The increase, however, was so trifling, that it was not worth disputing about. With regard to the argument, that giving the clerk 1,000*l.* was in fact giving the principal 1,000*l.* in addition to this 2,700*l.* that went upon so narrow and mean an idea, that he knew not how to answer it. If those who held the offices of tellers were base and sordid enough to stoop to such a meanness, no bar the legislature had in its power to provide, could possibly prevent it. Certain he was, three of the present tellers would not demean themselves in so scandalous a manner, but would spurn at any such proposition. And indeed the argument went so far, that if it were admitted there was scarce an official deputy in the kingdom whose principal would not become liable to the same sort of imputation. The same thing might also be said of the secretary of the secretary of state, for instance, and of the two secretaries to the Treasury; but would any man presume to hint an insinuation, that at any time, under any administration, a bargain of the nature in question had been driven. He believed that man was not to be found who would venture upon such an accusation; why then feel an alarm upon such an account now? As a bill of influence the present, undoubtedly, gave the crown some influence; but he believed it would be admitted to be a sort of influence the least dangerous of any that could possibly exist. To put a man in such a situation, as that the crown should never be able to be useful to him, was, in his opinion, a very foolish and unwise thing; but to put a man into such a situation, as that it should be out of the power of the crown to be hurtful to him, might, in a variety of instances, be necessary and useful. He knew of no way of doing this more effectually than by giving a man an independent situation for life. In this view he professed himself a friend to the Bill: and a stronger argument that his Majesty's present ministers had no views of a personal nature in making the salaries of the tellers 2,700*l.* a year, need not be resorted to, than a consideration of who the present tellers were. Three of them, lord Northington, lord Temple, and an honourable and respectable member of that House, Mr. Pratt, younger men than his Majesty's ministers! The other teller, unhappily, might not be so good a life; but then

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it was pretty well known, that it was promised to a person not much older than any of his Majesty's present servants. He desired, in what he said of the necessity of one sort of influence remaining, not to be understood to extend his ideas as far as he had heard arguments of that nature carried in another place. He had heard it said, that if the influence of the crown was too much diminished, men of desperate fortunes, needy adventurers, and distressed politicians, would be the only persons who would accept of the government of the country. There was, he owned, something a little strange in the argument, that men of large property and considerable estates could not afford to serve their country as cheap, as those who were less affluent. He was willing, however, to take the argument upon the grounds on which it had been placed; and since speaking of himself, he certainly could not pretend to be a rich man; he was glad to hear it allowed that such men as he could afford to serve the country cheaper than men of greater affluence. In the present Bill, however, he did not think it right to take away all those emoluments, which those who had reasoned in the manner he had stated, thought so essential to remain. The noble and learned lord might be assured, he envied him none of those emoluments, nor any affluence that he could derive from office.

Lord *Mahon* rose, to express his astonishment at that most extraordinary motion, and the great satisfaction he felt at its having been made by one of his Majesty's present ministers; for when the actions of public men in power contradicted their principles and professions out of power, it was happy that those actions should be of so unambiguous a nature, that no man of common understanding should be misled by such public characters in future. It was, he said, unnecessary to quote the conduct of the present administration in another place, on some late questions of great consequence, to prove to the people of England the total aversion of those ministers to every species of wise, honest, and salutary reform; insomuch as the conduct of the present ministers in that House, on that day alone, was fully sufficient, in his opinion, to open the eyes of the people, in respect to those men who used to profess so much, and who now had so little regard for the true interests of the public. The noble lord had not only proposed that the present possessors of those scandalous sinecure places in the Exchequer, and those who had a reversion of them, should have the salary continued unto them (for which, at least plausible reasons might be given, it being considered as their property and their freehold;) but the noble lord proposed to do that which no man, who was not an enemy to reform, could have proposed to do, namely, to keep up those exorbitant places for the future, and to give them those extravagant emoluments for professedly doing nothing; for the motion itself provided also a salary of 1,000*l.* per ann. to each of the four deputies for doing the business. It was proposed to give 2,700*l.* a year to each of the four tellers, for doing no public business whatever; and 4,000*l.* and 3,000*l.* per ann. to two other great officers in the Exchequer for performing similar services to the public. A more scandalous profusion of public money, under the calamitous circumstances of this country; a more wanton and profligate attempt to maintain the unconstitutional influence of the crown, was scarce to be met with in our history. The right hon. gentleman (Mr. Fox) who was the great advocate for that measure, defended it thus: he said it was no increase of the undue influence of the crown, because persons who had places for life were not under influence. Would the right hon. gentleman dare to say, unless he meant to insult the understanding of that House, that the expectation of those places was no means of influence to the crown? He certainly would not; therefore his speech, translated into plain English, amounted simply to this: "These useless places can create no influence amongst the numerous candidates for these great emoluments, because no immediate influence or command exists over those who now have them in possession;" or, in other words: "These places cannot be the means of any influence whatever in the hands of a corrupt minister over any one man in either House of Parliament, because four persons in this kingdom, namely, those who are actually in possession, are not under such an influence." This was the close and logical mode of reasoning of the right hon. Secretary of State, who, he trusted, would never stand again a candidate for the honour of the applause and esteem of his country, of which he was certainly now in possession. The right hon. gentleman had also dared

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to say, that those great and useless sinecure places were necessary for the purity of government. This was the purity of the language of the present administration! There was a time, when he regretted the last change of administration in this country; but now he sincerely rejoiced at that event; because it had given the right hon. Secretary, and his worthy colleagues, a complete opportunity of proving what they were. He therefore congratulated that House, and the people of England, that the present men were (for a short time, at least), in power; because it must demonstrate to all men their utter aversion to all reform whatever, and because it shewed those ministers themselves in their true colours, which was all their bitterest and most inveterate enemies could ever wish.

Mr. *Fox* rose again, to declare, that he never had said the Bill gave the crown no influence whatever; he had merely said, it gave them that sort of influence, which was least dangerous of any that could possibly have existence. With regard to his principles being now known, he trusted the noble lord had made no new discovery. He had avowed his principles upon the question again and again. He appealed to the recollection of the House, whether he had not expressly declared them, exactly as he had declared them that day, in the House three or four years ago, when the Bill of his hon. friend (Mr. Burke) was first introduced.

Mr. *Courtenay* said, an opposition to the Bill of reform introduced by the Chancellor of the Exchequer, came with peculiar grace and propriety from the noble lord (Mahon), who had always defended, with his usual vehemence and energy, the measures of the late specious, promising, deluding, Janus-faced administration. But the public had long been undeceived; and had formed a pretty just opinion of the principles and views of those puritanical reformers. Let us judge of them by facts;—they had burthened the country by pensions and sinecures to reward their rapacious political dependents; their arrogance and meanness were equally conspicuous: they had boasted of reforms; but what had they done? They had reduced a number of persons to want and wretchedness, who had flattered themselves with the hopes of enjoying a competence in their old age to maintain themselves and educate their children. In some instances this had occasioned despair and suicide; and what had the public saved? a few hundreds, by abolishing little offices from 30 to 60 or 70*l.* a year. Such were the humane, charitable sentiments, and such the exploits, of those rigid, virtuous, reforming statesmen. Nothing had escaped their miscroscopic eye; they had discovered and banished a rat-catcher from the King's kitchen; the chaplains were deprived of their daily bread—a pudding and a bottle of port were purloined from their table; and, to complete the system, the maids of honour were sent supperless to bed. The plan of reform introduced by an hon. gentleman (Mr. Burke) was indeed somewhat different. He had conceived, perhaps erroneously, that the influence of the crown was too great, and that corruption had tainted the representatives of the people; that the very foundation of public honours was sapped; and that public virtue dissolved in the sunshine of prerogative. His design, his system, all his reforms were directed to one object—to restore independence to the House of Commons, by diminishing the number of places usually held by members of parliament. His plan was neither parsimonious nor illiberal; if he was right in the principle, his means were adequate to the end proposed by him. The incidental saving which arose from this system was only a subordinate object, the great political principle, ever to restore independence to the House of Commons. The late narrow-minded, presuming, hypocritical minister, had neither capacity to comprehend, nor inclination to adopt this system; it did not suit his views: for his views were to impose on the crown, and to deceive the people. So much for the candour and consistency of the noble lord (Mahon) and his friends, who were such determined opponents to the present Bill. Mr. Courtenay then said, he should say a few words more on the clause moved by the hon. gentleman for limiting the salary of the teller's deputy to 400*l.* a year, instead of 1,000*l.*; and on this point he must beg leave to differ both from the noble lord in the blue ribbon, and the right hon. gentleman on the floor, who had asserted, that if 1,000*l.* was the fixed salary by an act of parliament, no principal would presume to bargain with his clerk, and deprive him of any part of it. Why not? At present the deputy's emoluments arose from fees, given him by the law of the land, the common law; surely as respect-



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able a foundation of the deputy's right as any act of parliament; yet they had seen, by a report from the commissioners of accounts, that a noble lord, one of the tellers of the Exchequer (earl Temple), had only paid his deputy 400*l.* a year, and converted the remainder (about 800*l.* more) to his own use. At the same time, he was happy in having an opportunity of vindicating that noble lord from the oblique, inviduous insinuations which were thrown out as a censure on that noble lord's conduct in this instance; every one who was acquainted with that noble lord's character was convinced, that in depriving his deputy of two-thirds of his income, he had acted on wise and just motives. The noble lord knew, that too much affluence disqualified clerks for business, and made them idle and negligent; therefore, to correct this natural propensity, this *vis inertiæ*, the noble lord kept his deputy on short commons: 400*l.* a year was enough for the bare necessities of life, and was not sufficient to lead him into temptations, as he could not afford to go to plays, operas, and other expensive places; therefore, to divert himself, and pass his time agreeably, he was obliged to make his business his amusement. As the noble lord enjoyed a place himself of 7 or 8,000*l.* a year, which was a perfect sinecure, by taking 800*l.* more from his deputy, the noble lord could not be more idle in his office than he was before; therefore his morals could not be injured by his applying it to his own use; though those of his deputy might, without this very prudent, liberal, and singular expedient; singular, because none of the other tellers of the Exchequer had introduced this species of economy into their respective departments. That this was the noble lord's motive was evident, from another consideration. This deputy or clerk, (as appeared from the report of the commissioners of accounts) did also perform the duty of another (invisible) clerk whose fees and salary amounted to 6 or 700*l.* more; which he punctually, at stated times, remitted to his principal: thus the noble lord, very properly considering that his deputy had not business enough of his own to transact, gave him a little additional trouble to fill up his time. This proved what an excellent pedagogue and preceptor the noble lord was; and he often repeated this excellent adage, "Train up a clerk in the way he should go; and when he is old he will not depart from it."

On the same principles of consistency (in respect to his clerks), the noble lord when he was viceroy in a neighbouring kingdom, struck off three state trumpeters out of four, but obliged the remaining one to do the whole duty of his former three coadjutors, without an increase of salary; and to save the expense even of the instrument, (which was carrying economy to the utmost), obliged the single forlorn state trumpeter to sound his excellency's praise (which was the duty of an Irish state trumpeter), in a twisted newspaper, instead of a brazen tube. Mr. Courtenay added, he would fain launch out into a penegyric on the noble lord alluded to, only he was apprehensive, by doing so, he might deviate a little from the question before the House; that investigating spirit, that indefatigable perseverance so conspicuous on all occasions in the noble lord, qualified him peculiarly for the government of a great country. His projects for reform, and political schemes for the good of his country, entitled him to the highest praise. He had pryed into the arcana, and rummaged into the bureaus of every office, and discovered notable and great abuses. He demonstrated what species of quills were fittest for tooth-picks or pens; and in what cases crow-quills might be substituted, and create a great national saving. Wafers might, the noble lord thought, be constantly used instead of wax; and sometimes whited brown paper, instead of *pro patria* or fool's cap, and with great security to the letters. His knowledge was great and comprehensive, the minimum and maximum of things were equally within his ken; he knew not only how many turf bogs were in Ireland, but actually knew the number, size, and quality of every turf produced. He was equally well informed of that great national object, the growth of tobacco; and had a waggon load of papers on the subject, which he intended generously to lodge in the British Museum, for the instruction and information of posterity. Mr. Courtenay concluded by opposing the clause moved by Mr. Pulteney, and supporting the principle of the Bill, as wisely calculated to prevent individuals from growing rich in proportion to the distresses of their country; and, at the same time, preserving the just power and prerogative of the crown, so intimately united with the nature and genius of the constitution, that they must both flourish or fall together.

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Mr. *Grenville* declared, he had not intended to have said one word that day; but what the hon. gentleman had thrown out with so much decency, with so close a relation to the Bill in question, and with such candour and fairness, made it necessary he should say a few words. He rose not, however, to answer any charges which the hon. gentleman had suggested against his noble relation. His noble relation had been accused of a scrupulous attention to his office; of a minute investigation of the abuses prevalent within the department of his superintendency; of a faithful discharge of those duties he owed to God and his conscience. To answer charges of that nature, he trusted, the committee would see was wholly unnecessary; so far from requiring a refutation, he admitted them in their fullest scope, and on the part of his noble relation, thanked the hon. gentleman for having urged them; he rose merely, therefore, for the purpose of denying the fact, that his noble relation ever pocketed any part of the salary of any one clerk in his office.

Mr. *Dempster* said, no man was a warmer advocate for lessening the undue influence of the crown than he was; but he must acknowledge, he was a friend to a certain necessary degree of influence, such as this Bill established. Without having great and lucrative emoluments to hold out to high and distinguished characters, as a desirable reward for merit aud exertion, he was convinced a monarchy like that of Great Britain could not be expected to hang long together: he therefore must declare, he approved of the mode of filling up the blank for the tellers' salaries, even admitting that they were perfect sinecures. With regard to the clerks and deputy tellers, he knew but little of the nature of their offices in the Exchequer; and before he said a word respecting them, he wished to know whether their offices were sinecures likewise? [Mr. Burke told him they were not; they were offices of great trust and responsibility, of actual business, and daily attendance.] That being the case, Mr. Dempster said, he could by no means agree, that 400*l.* a year was a sufficient salary, even were the gentlemen who held them single men, and had no families. In this town, the committee must know, that 400*l.* a year was but a scanty provision for any gentleman; but if the deputy tellers had families, it was impossible for them to live upon it with any degree of comfort, or in any manner the least respectable.

Mr. *Martin* said, that as his hon. friend had acknowledged that he was not much acquainted with the nature of the offices of the clerks in the Exchequer, he would take the liberty of telling him, that having formerly, in his business of a banker, frequently attended those offices, he had observed the employment of the gentlemen there to be by no means burthensome, either as to time or hurry. He perfectly agreed, that the crown should have ample power to reward merit, and the labours of such as have served their country with ability and integrity; but he never could approve of such rewards being conferred by means of sinecure places.

Mr. *Hussey* agreed with lord John Cavendish, as to his idea of steering a middle course, and not attempting to do more in the present Bill than he thought would pass. He was glad to secure some good; and he conceived, in putting a stop to the practice of suffering the holders of sinecure places to derive larger emoluments from their offices during war than during peace, they did an essential service to the public. He could not, however, agree, that after the Bill passed into a law, the full and net salary of 1,000*l.* would go into the pockets of tellers deputies. There were other ways of dividing the salary of a deputy than sharing it between the deputy and his principal. Had ministers never heard of quartering one person upon another; and would they say, that at that moment no man ostensibly out of office was quartered upon the salary of some man in office? This was a mode which he had heard of being frequently practised; and when he said so, he meant no imputation on the present government. Such practices had, he believed, prevailed in all governments, and under every administration for many years past. He saw no reason whatever for giving the tellers a shilling more than the amount of their peace emoluments. He should therefore propose, that instead of 2,700*l.* the blank for their salaries be filled up with 2,500*l.*

Just as the chairman was putting the question on this new motion, lord John Cavendish rose and said, the matter in dispute was so trivial, that he, for one, should have no objection to give it up.

Mr. *Fox* declared, he should have as little objection to giving up the point as his noble friend, provided he could be assured, that no person would afterwards rise and move a clause to exempt any particular individual from the operation of the



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present Bill. His reason for being for the 2,700*l.* rather than 2,500*l.* was with a view to a certain individual, to whom a royal promise of one of the tellerships of the Exchequer had been given. He appealed, therefore, to the gentlemen of the learned profession, and wished some of them would assure him, that no such clause as he had hinted at was intended to be moved.

Mr. *Rigby* said, that with regard to what the right hon. gentleman had thrown out respecting a certain individual, he thought it but candid for him to declare, that it was his intention, when the committee came to the proper part of the Bill, to offer a clause exempting a certain law lord from the operation of the Bill; he would make no scruple to mention to whom he alluded—it was to lord Thurlow, a noble friend of his, who stood so circumstanced, as, in his opinion, to be fairly an object of exemption as to the intended operation of the present Bill. On what ground he should move the clause which he meant to offer respecting that noble lord, he would fully state hereafter: at present he would only say, that exclusive of that, he thought the salaries of the tellers ought to stand at 2,700*l.*; and therefore, if the committee divided upon the question just moved, he should divide against the 2,500*l.*

The committee then divided: For the 2,700*l.*—Yeas, 46; Noes, 37. Mr. Fox, lord John Cavendish, and Mr. Sheridan, with other gentlemen in office, divided with Mr. Hussey. The committee then proceeded with the rest of the Bill, and having come to the fit stage of it to receive Mr. Rigby's clause,

Mr. *Rigby* said, that the honour and gratitude of the nation were, in his mind, pledged to his noble friend in the matter he was to communicate; but he would read the clause, and state the case. He would not, however, press it upon them, if there should appear to be any reluctance to receive it. He did not think it for the honour or dignity of his noble friend to have it urged against the general sense of the committee, nor should he be at all willing to have it carried by so small a majority as had just carried the last question. His noble friend, when he accepted the office of lord chancellor, quitted a situation in his profession at all times extremely lucrative, but in his instance as pregnant with emolument as under any other attorney-general before or since. His Majesty, conscious of this, promised him a tellership of the Exchequer, whenever it should become vacant. Why his noble friend had forborne to secure the grant in due form, was to him a most unaccountable negligence. He had repeatedly, in conversation, advised his noble friend to secure it, and told him he thought him highly to blame in not having done so. Certain it was, however, that the promise had been made so long ago as 1778, and therefore he trusted the committee would be of opinion, that his noble friend was entitled to expect a reversion of a tellership in as large and beneficial a manner as any other person who ever had a grant of a reversion. The only impediment that he knew of, to such a reversion being secured to his noble friend in the course of the last two years, he held in his hand; it was, a resolution which that House came to at the close of a session two years ago, in which they restricted his Majesty's ministers from giving, granting, or otherwise disposing of any office in the Exchequer, till such time as that House should have found leisure to take the subject of the nature of the offices in the Exchequer into their most serious consideration. In consequence of this resolution, he had forborne to trouble the House upon the subject for some time, but had waited patiently till the House did take up the subject. That period he considered as now arrived, and therefore it was that he had chosen to bring forward the matter then. He would read the clause he meant to move. He accordingly read a proviso exempting Edward lord Thurlow from the operation of the Bill. Before he sat down, he repeated his determination not to move the proviso he had read, unless some gentlemen rose up and gave him the encouragement he had mentioned.

Lord *North* said, he considered himself as materially concerned in a question which had such particular reference to his own conduct. He believed he knew the case better than any other member present; and he said it was true, that when lord Thurlow accepted the office of Chancellor, he had been offered a tellership of the Exchequer; that the noble lord did not then think fit to accept it; that it had since been offered to him at different times, but he had nevertheless declined taking it. Why he had done so, he could not say; he could not but think, however, it would have been better if he had accepted the offer when it was made him. But as the offer had been made to the noble lord so

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long ago as 1778, he thought the committee might fairly and reasonably adopt the proviso, which his right hon. friend had signified his intention of moving; and as it was doing no more than securing to lord Thurlow the tellership in as large and as beneficial a manner as he would have had it had he accepted the grant of it when the offer was first made him, he should certainly give his vote in support of the proviso. His lordship, in the course of his speech, mentioned lords Hardwicke, Northington, and Camden, as former chancellors who severally had grants of tellerships of the Exchequer.

Mr. Secretary *Fox* said, it was difficult for the mind always to discriminate between motives public and personal in a question like the present. It was purely personal; and to speak on a question purely personal was certainly extremely disagreeable; he nevertheless thought it his duty to state to the House the true nature of the question, and then let the committee adopt or reject it as they thought proper. The right hon. gentleman who had proposed to move the clause, and his noble colleague, had declared they could not account for the noble and learned lord in question having declined to accept the offer of a tellership when it was first made him. They would forgive him, if he declared that the matter did not appear to him altogether so inexplicable. When the offer was first made, one reversion of a tellership was actually granted; was it therefore to be wondered at, that the noble and learned lord should not think a second reversion quite so good a thing as might possibly come within his reach? They all knew that it was an unusual thing to grant a second reversion, and for the best reason in the world, namely, because such a grant was generally deemed of little value; and, perhaps, under the peculiar circumstances under which it had been made to lord Thurlow (with two very young men in possession, a third young man in reversion, and the first teller at that time, to all appearance, a good life), it was of less value than at any other time it could have been. Was it to be wondered at that the noble and learned lord should have since changed his mind? Certainly it was not; circumstances had altered materially: one of the possessors was dead, and another very infirm. Who could be surprised then, as the object seemed more attainable, that the noble and learned lord should have changed his mind, and grown more willing to accept a reversion in proportion as the object approached nearer? But it had happened, that the House of Commons, in the interim, had thrown a difficulty in the way, by coming to that resolution which the right hon. gentleman had stated. All that could be done had been done by the last ministry, and a very extraordinary proceeding that was; such a proceeding, he believed, as had never been heard of before. They had introduced the royal promise into the wording of the patent, granting the noble and learned lord what was generally termed a floating pension, being a pension to be held and enjoyed by him till such time as the tellership should fall in. But even in doing this, the late ministry (who might naturally be supposed to be as well inclined to serve lord Thurlow as their ability would allow), had manifested that it was their clear and decided opinion, that the royal promise must be subject to such restrictions and limitations as parliament should thereafter think fit to make respecting the tellerships of the Exchequer; and, indeed, they had worded the recognition of that promise in the patent, in phrases expressly stating that such was their opinion. Mr. Fox produced an extract from the patent, and read the sentence to the committee which described the promise, and the extent in which it was intended to be fulfilled. After commenting upon the novelty of introducing the mention of any such matter in a patent, and arguing upon the conclusive argument, that lord Thurlow's reversion was, in the sense of the late ministry, to be liable to the future restrictions and limitations of parliament, which the patent itself held out, he said, he had listened with the utmost attention to what had fallen from the right hon. gentleman, and especially to the proviso he had read, with a view to discover upon what principle he meant to rest his motion. It was clear, however, that it was in that right hon. gentleman's own opinion an application grounded on no one principle whatever, nor on the smallest scintilla of a principle. The proviso expressly stated the exemption for Edward lord Thurlow; nor was it in the hon. gentleman's power to put it on any other ground whatever. The House, therefore, would consider, that in the present case there was no grant of a reversion to plead upon; it was submitted to their consideration whether they should go out of their way to do a

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favour to Edward lord Thurlow; and if they chose to adopt a proviso founded on no principle, but merely stated as the case of Edward lord Thurlow, they undoubtedly had a right to do so. He meant not to press his arguments upon them, nor to urge them to reject the clause, should it be moved. It was his duty to state to them what the motion really was that they were about to have made, and having done so, he should leave it entirely to their judgment and their wisdom to act respecting it as they thought proper. Mr. Fox, in the course of his speech declared, that he spoke from no motive of resentment whatever. Gentlemen might imagine, that certain severe reflections personally made upon him by the noble and learned lord of late, in consequence of their having a difference in respect to political opinion, and what had passed elsewhere, might have soured his mind, and rendered him adverse to the clause. He assured the committee he spoke from no such motives; and though the noble and learned lord had thought proper to say, that when the crown was stripped of its power of reward, none but desperate and needy adventurers would accept of office, he did assure that noble lord's friends that he by no means wished to deny him any share of that affluence which he seemed to consider as so essential a qualification for office.

Mr. *W. Pitt* said, he knew the noble and learned lord, who was the subject of the debate, would not thank him if he were to urge the matter by arguments which might be supposed to influence the feelings of the House. He rose merely to say a word or two respecting his own conduct, and the share that he had in passing the patent, from which the right hon. gentleman had just read an extract. Mr. Pitt then recapitulated the facts stated by Mr. Rigby, and said, the Treasury with which he had the honour to act, had not meant to express their sense of the fair claim of lord Thurlow by wording the patent in the manner in which it then stood; but the resolution of the House of Commons being upon the Journals at the time that the patent passed, the late administration had thought themselves bound to obey it, and had considered it as more decent and fair to mention the royal promise in such a form as to include no opinion of their own either one way or the other, but to leave the matter entirely open to the future discussion of parliament. With regard to the description in the proviso that had been just read, and the objections the right hon. secretary had grounded on the words, "Edward lord Thurlow," the plain and obvious reason why the proviso was so worded was, because lord Thurlow was the only man in the kingdom who stood in so peculiar a predicament, as to be fairly entitled to the exemption now proposed to be inserted in the Bill; there needed, therefore, no periphrasis to describe the matter more fully.

Mr. *Pulteney* argued strenuously against the motion, and said, that on mature deliberation of the delicacy as well as justice of the point, he would meet it with a direct negative; there was, in his mind, an essential distinction between an offer and a promise; if the learned lord had thought proper to accept the offer when it was first made him, and it had failed of assuming the shape of a formal grant of the reversion of a tellership through accident, he should have readily agreed that it ought to have been held sacred, and that the House were bound to make it good; that not being the case, and the learned lord having declined to accept the offer, the obligation was, in his mind, wholly discharged.

Lord *North* rose, merely to explain that the offer had been made to lord Thurlow three several times at the least; and though the noble lord had thought proper to decline accepting it, yet certainly his Majesty's promise was as much pledged to lord Thurlow as ever.

Mr. *Rigby* wished the committee would recollect that he had not moved the clause, and that he had declared that he would not do so, if he did not receive that sort of encouragement which might lead him to expect his motion would meet with a favourable reception. No man present wished more sincerely than he did that his noble friend might never have occasion for the war emoluments of the office of teller: he hoped to God the peace, such as it was, would last all their life-times: he was persuaded it would be the better for the country; but considering, as he did, that his noble friend had a right to expect the tellership in as large and beneficial a manner as ever it was enjoyed, should it fall into his hands, he had risen to feel the pulse of the Committee respecting the proviso he had read. Not having met with that encouragement he had expected, he certainly would not press it upon the committee.

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Mr. *Arden* did not hesitate to declare that he got up in the character of a friend of lord Thurlow. As the noble lord's friend, therefore, he was by no means ready to consent to the right hon. gentleman's forbearing to make the motion. That his majesty had made the noble lord a promise of a reversion of a tellership in 1778, was beyond all contradiction; and that it was not the spirit of that promise that the noble lord should receive a reversion of a tellership under the then circumstances of those offices, he believed no man would be hardy enough to assert. He would, therefore, contend, that the noble lord was entitled to expect a reversion upon those terms, and no other; and as to the right hon. secretary's objections to the words 'Edward lord Thurlow,' and the triumphant argument he had advanced, that those words were used because no other ground could be found to put the exemption upon, a trifling alteration would totally cure that objection, and set the matter on its true grounds. Mr. Arden then proposed to insert, after the words 'Edward lord Thurlow,' other words, signifying that his Majesty had, in 1778, promised to the said lord Thurlow, on his accepting the office of lord chancellor, a reversion of a tellership of the Exchequer, in as large and beneficial a manner as tellerships were then enjoyed.

The Earl of *Surrey* declared he should vote for the clause when it was offered, but on different grounds from any that had been touched upon. He meant to vote for it, because he thought, when men left such a certain source of wealth and independency as the office of attorney-general, to accept of the precarious post of lord chancellor, a pension of 2,680*l.* was not by any means an adequate provision for them and their families. He observed, that the law had made more fortunes and more great families than any other profession; and, therefore, he considered taking any man from the head of the bar, to put him into a situation on the bench, so precarious as that of a lord chancellor, liable to be displaced on any fluctuation of politics, without securing him a handsome retreat, was an injustice which he never would sanction.

Mr. *Sheridan* said, the noble lord who had just sat down, had reminded the committee of a circumstance which ought not to escape their observation, but upon which he felt himself obliged to argue to a conclusion directly contrary to that drawn by his noble friend; for, so far from regarding lord Thurlow's pension as inadequate, he had always looked on it as containing a compensation for the curtailed state in which the reversion of the tellership was to be given to him. That this was the case, it was only necessary to recollect arguments used on a former occasion upon the subject: but if any doubt remained, he knew no way of judging but by having recourse to precedent, and seeing what had been given to former chancellors while expectant of the tellership; and here he found that as great and good a character as ever held the seals, had, upon his retirement, a pension only of 1,500*l.* a year. Mr. S. contrasted the merits of lord Camden, and insisted, that if it was reasonable to countenance this extraordinary compensation to lord Thurlow, the House would be bound in justice to consider of making a retribution to lord Camden for the deficiency of his income, for the space of eleven years, before the tellership had fallen to his son. But, admitting that lord Thurlow was entitled to this distinction, the manner of the reward proposed was the most objectionable possible, for it was directly contrary to the principle of the Bill upon the table, inasmuch as it was placing a person of great weight in this country, who had been one of his Majesty's confidential servants, and who might, perhaps, be so again, in such a situation as to have a distinct and separate interest from his fellow subjects, an interest in the future wars and calamities of his country, which would be thrift and gain to him, though misery and ruin to the empire at large. Under such circumstances, lord Thurlow might at some future period be called on for the sanction of his great authority to a question of war and peace. Undoubtedly, the learned lord had himself a soul above all mercenary considerations, though he had lately shewn in the other House, that he gave no credit for such principles in others; but still it would be indelicate to place so high-minded a personage in such a situation of suspicion: if, however, his merit was so transcendant, and the House approved it, let the salary of the tellership in his case be doubled, but let it be fixed.

Mr. *Fox* again mentioned the difficulty which there was in speaking on a question of this nature. He wished the question to be put upon some other grounds than those of mere name. If it were rested on

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the public merits and services of lord Thurlow, he should know how to meet it, and should then be ready to debate it, in like manner as the merits of lord Rodney, sir G. Eliott, or any other officer, who had entitled himself to a reward from parliament, were liable to be debated. As the question stood, it was impossible to meet it with any argument that did not look invidious. With regard to what the noble lord near him had just said, that was putting the matter on entire new ground; and if the committee chose it, he was very willing to meet it on that ground.

Mr. *Hussey* took notice of Mr. Rigby's having said, he expected no support from those gentlemen, who were adverse to the amendment as proposed by the noble lord at the head of the Exchequer. He certainly was one of those who thought 2,700*l.* a year too much for the sinecure office of tellership of the Exchequer, and yet he did not feel adverse to the clause proposed by the right hon. gentleman. The motion for 2,700*l.* a year had been carried against him, but that was no point in the present consideration. Either lord Thurlow was promised a reversion to a tellership in 1778, long before the present Bill was brought in, or he was not. It had been acknowledged on all hands that he had been so promised; undoubtedly, that being the case, he ought to be on the same footing with every other possessor, or grantee of a tellership, at the time that the promise was made. He considered that promise as a bargain between the crown and the noble lord; and let them put the matter upon what ground they would, there was no running away from the question. It was a bargain for which the royal word was pledged; and that bargain ought, in his mind, to be faithfully kept. Mr. Hussey observed upon the advantageous situation which lord Thurlow had quitted, and said that it ought to be taken into the present consideration.

Mr. *Fox* whimsically observed, that they were going to hear good reasons for supporting the clause in question from an hon. and learned friend above him, (Mr. Lee, who had risen at the same time with Mr. Hussey.) He said, he had always observed, that however gentlemen of the learned profession might differ at the bar and elsewhere, whenever the interest of a professional man was at all concerned, the *esprit du corps* shewed itself, and all united with firmness to carry the point for the brother.

The *Solicitor General* (Mr. Lee) declared, he did not think the present a personal question at all, no, nor a professional one, notwithstanding what his right hon. friend had just said, though with so much good humour and pleasantry, that he could not be offended at it. He declared, he made no scruple to avow himself the friend of lord Thurlow. He owed the learned lord many obligations; the learned lord was almost the only man he stood indebted to in point of gratitude. There were many others to whom he owed friendship and respect, but scarcely any one to whom he had been equally obliged. Mr. Lee then entered into a discussion of the true state of the case, and said it did not appear to him at all unaccountable, that the learned lord should not have been eager to get a matter formally concluded, in which his personal interest was so immediately the point in question. The learned lord had great real dignity of character, and he was sure was the last man living, who would have appeared anxious about any thing immediately relative to himself; but was that any reason why the argument should on that day be turned against him? In his mind it strengthened the case, and more forcibly appealed to the justice of the committee to do lord Thurlow that right which clearly belonged to him. Besides, were the House of Commons to look to nice and technical forms of law? He conceived their duty led them to a different mode of practice, and that their proceedings were to be governed by large and liberal ideas, founded rather on equity than law, and that they were to decide upon the general merits of every matter that came under their consideration.

Mr. *Rigby* said, under the encouragement he had received, he would move his clause, and would do it with the amendment which a learned gentleman had been so good as to draw for him. Whether it was due to lord Thurlow in equity, or whether it was his right as a bargain, it was equally indifferent to him, so long as the House appeared willing to adopt the proviso. Mr. Rigby took notice of what Mr. Sheridan had said respecting lord Camden, and declared, that noble lord's original annuity had been on the Irish establishment, which he, and others, who had pensions on the Irish establishment, were pretty sensible were not so good as pensions on another footing. He explained the particulars of lord Camden's pension,

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and expressed his thanks to Mr. Hussey for the support he had given him, declaring that he was persuaded the learned lord in question would think himself obliged to him.

Mr. *Fox* declared, that he would object to a motion so worded. He said the patent granting lord Thurlow's pension was not before the House, and therefore it would be irregular to adopt any information which the patent could give as the words of a motion, unless the patent were upon the table. What he had happened to state in his speech respecting the patent, could not be considered as sufficiently before the House to ground a proceeding upon it. When he made this remark, he declared he meant not by doing so to create a fresh obstacle to the exemption; he saw it was to pass, and therefore he wished it to pass regularly. In order to secure it, he advised the right hon. gentleman to move his clause as originally worded, and upon the report he might move the insertion of the words suggested by the learned gentleman. After what had passed, he hoped the House would hear no more of that dignity of character which had induced the learned lord to accept the seals without any condition whatever, and which had been so loudly boasted of both in that House and elsewhere. It was now confessed that a bargain had been made, and as that was taken as the plea on which the motion was agreed to, he hoped the boasted dignity of the learned lord would be suffered to sleep in silence. What had passed, reminded him of an essay he had lately read on the advantages and disadvantages of disinterestedness in respect to one's self, in which the author, after fairly stating the one and the other, said, that no man ought to assume the merit of both. If he rested on his own disinterestedness, he ought to be confined to that argument; but he had no right whatever to plead his disinterestedness, and then attempt to set up a claim in proof that he had shewn no such disinterestedness, but had very carefully and prudently attended to his interest, and taken care of himself.

The clause being regularly moved, was agreed to by the Committee.

July 7. The report of the Committee being brought up,

Mr. *Rigby* informed the House, that he understood there was an objection to the clause that had been carried on Friday relative to lord Thurlow's reversion of a tellership, because it was not worded so strictly as to state the King's promise to that noble lord, in the manner in which it was described in a subsequent patent for a pension. The King's patent was now on the table, and therefore he intended to move to reject that clause, and to introduce another, to which he did not expect the same opposition as to the former. The new clause declared, "that nothing in the Bill should extend to affect any grant which may be made to Edward lord Thurlow of the Reversion of a Tellership of the Exchequer." He moved that the clause now in the Bill be rejected.

Mr. *Byng* said, he could not consent to any clause excepting lord Thurlow from the operation of the Bill; and when he considered what he had heard in that House when lord Thurlow's pension had been under discussion, he could not suppress his astonishment at any attempts having been made to pass a proviso in favour of the learned lord through the House. He recapitulated the arguments that had been urged when the pension in question was debated; and shewed that it had been expressly declared by those who were the most strenuous advocates for the pension, that the learned lord had generously accepted the seals without any stipulation or condition whatever; and upon that ground it was, and that only, that the House gave way to the pension of 2,680*l.* so readily as they had done. He declared, that if he divided with only ten gentlemen he should think it his duty to take the sense of the House when the new clause should be moved to be brought up.

Mr. *Courtenay* rose to assign his reasons for not agreeing to the exceptionary clause in favour of lord Thurlow. His opposition was founded on the very high opinion he entertained of the noble lord; and he intreated his friends, who so supported this obnoxious clause, to consider the very invidious light in which they placed that noble lord. What idea would it convey to the public? One assuredly not very honourable to, or perfectly consistent with that noble lord's character, and those elevated sentiments by which he was so deservedly distinguished. The world would be too apt to say, that the noble lord, not satisfied with 2,700*l.* net, (though, on an average, 2,500*l.* was the sum a tellership produced in time of peace), not satisfied with this liberal limited salary, as fixed by the present Bill;

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that the noble lord, though, by the proposed regulation, he would receive 200*l.* a year more than he would otherwise receive in time of peace, was unwilling to accept this increased annual stipend, because it precluded him from all hopes of deriving any advantages from the calamities and distress of his country in a time of war. A bribe, or, in the professional language, a fee of 200*l.* a year, part of the public (the malignant part of the public) would say, was sufficient to tempt that noble lord to relinquish such an invidious contingency. Mr. Courtenay professed himself a friend and well-wisher to the noble lord; and, therefore, was extremely anxious to rescue him from such an imputation. The right hon. gentleman who introduced the clause in favour of lord Thurlow, was a zealous, but an injudicious friend. Why would he persist in it? Perhaps he was confidentially acquainted with the insecurity of the late ignominious and dishonourable peace, and therefore expected the noble lord would soon enjoy all those great emoluments formerly annexed to his reversionary office in a time of war, which were so well calculated to console individuals, when their profits rose in proportion to the calamities of their country. If the noble lord's friends would speak out, and fairly avow such motives on this, and on this condition only, they should have his support. He said, the noble lord's friends seemed ashamed at claiming this exception in favour of lord Thurlow as a bargain, and, therefore, now solicited their claim *in formâ pauperis*, as founded on his Majesty's promise. How, then, was this to be construed? Surely, by his Majesty's own explanation, recited in the patent, the express words were, "subject to such regulations and restrictions as the legislature might think proper." Was it, then, respectful to his Majesty to give a new construction to the royal promise, and presumptuously to say, that they understood his Majesty's meaning better than he did himself?

The clause was then rejected; after which they proceeded with the rest of the amendments. When they had gone through them,

Mr. *Rigby* said, that towards the conclusion of the committee last Friday, it appeared to be the general opinion, that the proviso should be agreed to; and one of the first authorities in the House had pledged himself, that it should not be opposed. As Mr. Fox shook his head at this, Mr. Rigby quoted his words. He said, he knew not whether he was to call his noble friend's pretension to the exemption a promise or a bargain; but he hoped it would appear to the House, as it had convinced the committee, that it was such a pretension as was well entitled to the protection of parliament.

Mr. *Fox* said, he would not object to the motion, provided any of the friends of lord Thurlow would get up and say, that they claimed this for him as a bargain, and not as a promise. He had understood that this was admitted on Friday; and it was in consequence of so understanding that he had consented to receive the clause that had been then moved. Let him hear the same avowal now, and he would not oppose the motion; but one of two things must be cleared up—it either was a promise or a bargain. If a bargain, there could be no objection to the clause passing as now proposed; if a promise, then the sense of the House must be taken. He pressed this the more urgently, because that House and the public had been so unfairly dealt with upon the subject. It had long been made a boast of as a great merit in the learned lord, that he had accepted the seals unconditionally; and on Friday last his friends had declared the noble lord had made a bargain for a tellership as the price of the situation he quitted when he took the seals. Both these things could not be true; nor had the learned lord any right to take all the merit of the one, and all the advantage of the other. He declared himself an enemy to all impostors, and therefore it was that he wanted to come at the fact. If the friends of the noble lord avowed it to have been a bargain, they had a right to the exemption. If they placed lord Thurlow on superior ground, and said it was (what he believed it to have been, and what his Majesty himself described it to have been, in the patent in which he recognised it), an unsolicited and spontaneous promise on the part of his Majesty, they stood upon very different grounds indeed, and it would be for the House to decide whether such an exemption should be made or not. If it was a bargain, the noble lord had an indisputable claim to it; if he claimed it as a promise, then surely he must take it in the words of his patent —"subject to such regulations as our parliament may hereafter adopt." For his part, he would not suffer any man to

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avail himself of the merit of having taken the great seal without any bargain or stipulation, and come afterwards to parliament to claim an exemption from certain regulations, on the ground of having made a bargain. He denied that he had pledged himself to adopt the clause in the manner stated by the right hon. gentleman. He had, indeed, consented to receive the clause that night in the committee; but he had by no means bound himself down to agree to the amendment of that clause that should be proposed in the House on the report; nor was he now disposed to agree to it, but on the condition he had stated. If the clause should be said to be founded on a bargain, he would not oppose it; but if on a promise, he would take the sense of the House upon it, as it was not worded according to the manner in which the promise was expressed in the patent.

Sir *John Delaval* said, it was immaterial on which it was founded, as in either case he thought it must be carried; for all those who believed that the King had promised it, would no doubt vote for the clause; and all those who believed it was founded on bargain, would do the same. To understand this question the better, it was necessary to observe, that the object of the Bill was to abolish the exorbitant fees of tellers of the Exchequer, which, in war time, amounted to near 8,000*l.* a year; and to annex to the office a certain salary, which should be the same both in war and in peace, and which had been fixed in the committee at 2,700*l.* a year; but this regulation was not to take place till after the decease of the present tellers; who, consequently, would be left during their lives in the enjoyment of the fees of their offices, in as ample a manner in any future as in any former war. Now, the purport of the question before the House was simply this: Whether, when lord Thurlow shall have succeeded to a vacant tellership, he shall hold it in as lucrative an extent in time of war as the present tellers; or whether he should hold it with the fixed salary of 2,700*l.* a year, which cannot be greater in war than in peace? Those who were of the former opinion, grounded their argument upon this, that the King had made the promise long before any idea had been entertained of reducing the emoluments of the tellerships; and, consequently, it was argued, that the King must have had it in contemplation to make lord Thurlow as beneficial a grant, as a grant of such a place had hitherto been to any other person. On the other hand, those who argued that his lordship could take the tellership only on a new construction, argued from the words of the patent, by which his Majesty granted a pension of 2,680*l.* a year; unless he should get the tellership which his Majesty promised him when he accepted the great seals, and which tellership he was to enjoy, subject to such regulations as the parliament should think it adviseable to adopt.

Mr. *Kenyon* said, that he had heard the learned lord say, more than once, that he never made any bargain whatever, when he accepted the seals; but that when his Majesty put them into his hands in the royal closet, of his own spontaneous goodness, he graciously condescended to assure him, that it was his intention to grant him a tellership of the Exchequer. How it happened that the grant was never regularly completed, he could no otherwise account for, than by stating what he well knew, that there was not a man in the kingdom who more disdained to express, or who less felt an anxiety about his own money concerns, than the learned lord in question. The fact was as he had stated it; the promise was given in 1778; and as the shears of reform were not then made sharp, in all human probability his Majesty, at that time, had no other intention but to give him the tellership in as beneficial a manner as it was then enjoyed.

Mr. *Arden* desired the resolution of the 19th of June, 1782, might be read. This being done, he said he rose not to beg for him *in formâ pauperis*, he rose to remind the right hon. gentleman, that he at least was exempt from the charge of being one of lord Thurlow's friends, who on Friday last had asserted that he made a bargain for the tellership, since he had expressly declared the reverse to be fact. Mr. Arden said, the late marquis of Rockingham had particularly desired lord Thurlow to take up his grant last year.

Governor *Johnstone* said, he wished to know the fact; had the learned lord made a bargain, or had he not? If he had driven a bargain, he would leave the bargain-drivers to make good their agreement. If, on the contrary, the whole was a spontaneous promise on the part of his Majesty, he would take an active share in the business.

Mr. *W. Pitt* said, the question had now assumed a new shape, and there was something infinitely more interesting in it,



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than whether lord Thurlow was to get the tellership with the war emoluments, or the salary of 2,700*l.* and that was lord Thurlow's personal honour. He called upon the noble lord therefore to rise, and do that justice which he owed to so distinguished a character, as that to which he had that day heard such gross imputations applied. Mr. Pitt warmly, and with vociferation, pressed lord North to state the real complexion of the transaction.

Lord *North* declared, that no bargain had been made for the tellership, which was indeed offered repeatedly, but not accepted; at the same time that it never was rejected. He then supported Mr. Fox in what he had said about the dexterity of making a merit on one day of having made no bargain, and yet insisting the next day on the performance or fulfilling of a bargain; this was what the French author called, "unir les plaisirs du vice au merite de la vertu." As to the clause, he certainly would not give it his negative, acquainted as he was with the merits of the transaction.

On the question that the clause be brought up, the House divided; Yeas, 49; Noes, 57. It was consequently rejected.

Mr. *Pulteney* then moved a clause, "That the officers of the Exchequer shall receive no greater emoluments in time of war than in time of peace." He said his object was to prevent even the present tellers, &c. from receiving any more in time of war than of peace; and he quoted various precedents within the last seventy years, of the interference of parliament to regulate, modify, and even take away fees entirely. He grounded his proposition on the reports of the commissioners of accounts, and declared, that the commissioners in one of their reports had stated, that in their enquiry into the accounts of the paymaster of the army, they observed a charge upon one sum only of 30,000*l.* paid for fees to the Exchequer; this naturally led them to an enquiry what those fees were, and they stated the result of their investigation as soon as possible, in order that parliament might lose no time in proceeding to such measures as should be found expedient for the purpose of saving the public so much expense, which appeared to them to be unnecessary for the future. Here, therefore, was a matter suggested by the commissioners, which it was the peculiar duty of parliament to attend to. He observed, that he did not believe the persons holding the offices in question would themselves object to a reduction of their war fees, because he was convinced they were not unconscious of their inordinate amount. In proof of this, he mentioned the words of the duke of Newcastle, annexed to the account of his fees for one year of the war, as auditor of the Exchequer, wherein his grace says, the balance of the amount for this extraordinary year is 14,000 and odd pounds!

Mr. *Hussey* seconded the motion.

Mr. Secretary *Fox* declared, that he would not touch places that had been considered as freeholds, and negociated as personal property. Of all the influence of the crown, he knew of no species of influence so much to be dreaded as the influence of terror. Those who professed themselves the warmest and most strenuous advocates for extending the influence of the crown of another kind, were, he believed, as adverse as he was to this influence of terror, because they knew that if it were suffered to be exercised in one instance, it would be exercised in many others, and in short that it would shake the whole kingdom. He, therefore, was determined to resist it wherever the attempt was made to exert it. He said farther, that in all matters of reform, it was necessary and wise to begin in as broad and intelligible a manner as possible; he presumed his noble friend had chosen in the present Bill, to save whole and entire the rights of all those persons now in possession of places in the Exchequer, for this reason; and to fix the time for the operation of the Bill to commence, at the period of the lives of such persons as were in actual possession of the offices it went to affect. He thought the idea a wise one, and being persuaded that any attempt to alter it would produce a bad effect, and the attempt now made the worst effect possible, he should give the motion, for leave to bring up the clause, his positive negative.

Mr. *Hussey* declared, he had scarcely ever heard the right hon. Secretary argue so little to his conviction as at present. He then supported the motion, and contended, that it had been plainly proved, that the fees of the offices in question had never been considered as any part of a freehold, but had in frequent instances, from 1708 to the present time, been deemed subject to regulation, and had in fact been regulated, sometimes by express command of the crown, sometimes by

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orders from the lords of the Treasury, and sometimes in consequence of proceedings in that House. He said farther, that no placeman whatever had a right to carve out a freehold from the yearly grants of the public. The sums expended, and upon the issue of which they grounded all their fees in the Exchequer, were sums voted by that House from year to year. He must therefore object, that any persons should be allowed a right to carve out of those sums a life-rent, over which the public, from whose pockets the money was taken, had not a full power of control. He mentioned the Exchequer with some degree of contempt, considered as an office of business, and said three clerks of the Bank executed the chief of the actual duty. The Bank in fact was the Exchequer; and from some recent transactions, he was inclined to think the officers of the Exchequer not the most fit to manage the public accounts. Perhaps if commissioners were appointed for the purpose, the public would be better served.

Sir *Adam Ferguson* observed, that what the right hon. Secretary had said, appeared to him to be by no means a satisfactory answer to what had been urged by the hon. mover; on the contrary, it had puzzled him a good deal; because the argument that the right hon. Secretary had used to oppose the present motion, applied equally to the case of lord Thurlow, and proved, that if in the instance of the tellers in possession, it were a violent injustice to attempt any reduction or regulation of their fees and emoluments, it must, in the same proportion, be a violent injustice to force lord Thurlow to the new regulation of emoluments held out to all future tellers by the Bill, since it had been agreed, on all hands, that his Majesty's promise of a tellership was given to lord Thurlow in 1778, when nothing like the reform established by the present Bill was in contemplation. Sir Adam then took notice of the various instances of interference with the fees of the Exchequer by the crown, the Treasury, and that House, that had been mentioned in the course of the debate. He reminded the House also of a bill just passed for paying the commissioners of accounts for their trouble, in which bill it was enacted that the commissioners should receive their money net and entire, without being liable to any fee in the Exchequer. Sir Adam said, he had observed that in a life annuity bill passed three years ago, a clause was inserted which exempted the annuity payments from all fees in the Exchequer; and it had a little surprised him, that in the life annuity bills that had passed since, no such clause was inserted. He wished to know the reason of this; and also, what gave parliament a power to control Exchequer fees in some instances, if it had not an universal power of controlling them?

Lord *North* answered, that the bill for life annuities, passed three years ago, directed that the annuities made payable under the authority of that bill, should be payable at the Exchequer, and therefore it very naturally exempted the holders of such annuities from the payment of any fees: The bills for annuities passed since, ordered the annuities to be paid at the Bank, consequently there was no occasion to direct that no fees should be taken at the Exchequer, when they were paid, as they were not paid there. With regard to the instances, in which parliament had a power of control over the Exchequer fees; whenever any new sums were levied by votes of that House, and those sums made payable to the Exchequer, or were to pass through that office, the House had an undoubted right to direct that no fees should be paid on those sums being either received or issued. The fees now under consideration, were not those sort of fees, but the ancient legal fees, sanctioned by long usage, and which certainly were a part of the life-rents of those who held them, and ought, in his opinion, to be held sacred. He declared his dislike of any attempt to attack such sort of freeholds to be equal to his dislike to attack any, the most indisputable private right in the possession of an individual. He asked, even if for the sake of argument he were to admit that the fees in question were fair objects of regulation, whether any clause affecting a matter so deeply interesting to the persons concerned ought to be received and adopted, without giving the parties to be affected by it an opportunity of being heard by their counsel upon the subject? He declared, he did not imagine above 5,000*l.* a year, or some such matter, could be saved by the regulation in question; and he said, he never would consent to spread alarm and terror from one end of the kingdom to the other upon any such consideration; he should therefore give his negative to bringing up the clause.

Mr. *Rigby* supported lord North. He said, he would not suffer the persons al-

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luded to to be heard by their counsel, because he could not suffer the House, if he could prevent it, to question their title to their freehold; this would be an act of presumption; a thing the more alarming, as no one knew where it would stop: there were persons of the first quality in the kingdom who enjoyed fees or emoluments under the great seal, such as the dukes of Richmond and Grafton; and he would as soon contend to take away from the former his estate in Sussex, as his grant on coals; and from the latter the estate of Euston, which he had acquired by marriage, as his grant of prizage on wines. As the civil list was now established, it might be desirable to resume some of them; but so far from such an idea being founded in justice, he would strenuously oppose every such attempt, since the national faith was pledged, and they were in truth and fact as much freeholds as any private property whatever, and to be held as sacred by parliament. If resumptions of grants were countenanced, who knew but the very pensions they were in the act of passing bills for, the pensions to lord Rodney and sir G. A. Elliot, might be next year brought under revision, and their grants might be proposed to be resumed on a declaration, that the merits of those brave officers were not equal to such annuities? A pension had been some time since granted to the family of the late lord Chatham. Why not resume that? Lord Chatham was indisputably a great minister, and deserved well of his country; but in his mind, it would be just as warrantable to resume that pension, as to touch the fees of the auditor of the Exchequer. There had been pensions of a very different nature granted the last year, pensions to colonel Barré and lord Ashburton. Without entering at all into the merits of those pensions, or saying whether he liked the men or not; if he disliked the one and the other ever so much, being once granted, he never would give his consent to resume them. He was an enemy to the manner in which the present reform was carried on; he wished he could get back the board of trade, which was so necessary at present, when all our commercial laws stood in need of revision, to which privy councils very little attended. If it was to root out influence in that House that the board had been abolished, the reformation had begun at the wrong end; for if the commisssioners of the Treasury and Admiralty were dissolved, and these departments filled by a lord high treasurer, and a lord high admiral, such a measure would drive from the House, or at least deprive of their valuable places, eight or nine members of parliament. He declared, that the same reason which induced him to support the question the House had just disposed of, would induce him to oppose the present. He considered the emoluments of the various offices as the legal rights of the persons in possession; and he begged the House to consider to whom those offices were usually given—to great and able ministers, for their public services! He, therefore, for one would not give his consent to any part of the present Bill, much less to the clause now moved to be brought up, because, since the official emoluments of statesmen were so cut down by modern reforms, as they were called (though he thought they had been carried much too far), it would scarcely be possible to get any men of talents to take the government of the country if such advantages as the places in the Exchequer were not suffered to remain, as fit rewards and inducements to excite them to accept of the posts of ministers.

The question was negatived.

*King's Messages relative to Annuities to Lord Rodney and Sir Gilbert Eliott.*] June 30. Lord John Cavendish presented the following Messages from his Majesty:

"GEORGE *R.*

"His Majesty, having taken into his royal consideration the many eminent and signal services performed by George Brydges Rodney, lord Rodney, vice-admiral of England, and one of the admirals of the White, his conduct in the West Indies in three several engagements, in the months of April and May 1780, with a superior French fleet, under the command of the count de Guichen, and his great and glorious victories over the Spanish fleet, on the 16th day of January 1780, on his voyage to the relief of the garrison of Gibraltar, and over the French fleet in the West Indies, on the 12th of April 1782, not only highly honourable to himself, but greatly beneficial to his Majesty's kingdoms; and being desirous to bestow upon the said George Brydges Rodney, lord Rodney, some considerable and lasting mark of his royal favour, as a testimony of his Majesty's approbation of the said services, and for this purpose to

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give and grant unto the said George Brydges Rodney, lord Rodney, and to the two next succeeding heirs male of the body of the said George Brydges Rodney, lord Rodney, to whom the title of lord Rodney shall descend, for and during their lives, a net annuity of 2,000*l.* per annum; but his Majesty, not having it in his power to grant an annuity to that amount, or to extend the effect of the said grant beyond the term of his own life, recommends it to his faithful Commons to consider of a proper method of enabling his Majesty to grant the same, and of extending, securing, and settling such annuity to the said George Brydges Rodney, lord Rodney, and to the two next persons on whom the title of lord Rodney shall descend, in such manner as shall be thought most effectual for the benefit of the said George Brydges Rodney, lord Rodney, and his family."

"GEORGE *R.*

"His Majesty, being desirous of conferring some signal mark of his royal favour upon the right hon. sir George Augustus Eliott, knight of the most honourable order of the Bath, for the very distinguished and important services performed by him to his Majesty and this country, by his brave and gallant defence of Gibraltar, and for that purpose, to grant to the said sir George Augustus Eliott, for the term of his life, and for the life of his son Francis Augustus Eliott, an annuity of 1,500*l.* per annum; but it not being in his Majesty's power to grant the same, or to settle the said annuity beyond the term of his own life, his Majesty recommends it to his faithful Commons to consider of a proper method of enabling his Majesty to grant the said annuity, and of settling and securing the same in the most effectual manner, for the benefit of the said sir George Augustus Eliott."

The Messages were ordered to be referred to a Committee of the whole House.

July 1. The House being in the said Committee, the following Resolutions were agreed to:—1. "That the annual sum of 2,000*l.* be granted to his Majesty, out of the aggregate fund, to commence from the 12th of April 1782; and be settled in the most beneficial manner upon the present lord Rodney, and the two next succeeding heirs male of the body of the said lord Rodney, to whom the barony of Rodney shall descend. 2. That the annual sum of 1,500*l.* be granted to his Majesty, out of the aggregate fund, to commence from the 13th of September 1782; and be settled in the most beneficial manner upon the right hon. sir George Augustus Eliott, knight of the most honourable order of the Bath, during his life, and the life of his son Francis Augustus Eliott."

*Debate in the Lords on the Insolvent Debtors' Bill.*] June 30. The Earl of *Effingham* addressed their lordships on the subject of an Insolvent Bill; and having urged the necessity of the interference of the legislature to rescue the multitudes of unhappy men now starving in our prisons, and to restore them to society and to their relatives, he stated the various arguments that were adduced both for and against those temporary reliefs. He acknowledged that they had their evils, and that it became their lordships to enter seriously into the revision of our laws between debtor and creditor, and provide some fixed and permanent rule. In the mean time, as our prisons were crowded, another act, in his mind, was absolutely necessary; the Bill which he meant to move for, was on the plan of that which was passed in 1776. He then moved for leave to bring in a bill "for the relief of Insolvent Debtors, and for the relief of Bankrupts in certain cases." Leave was given, and he brought it in, and moved that it should be read a first time.

Lord *Walsingham* said, he was an enemy to these acts; and feeling as he did, that they were exceedingly inconvenient and objectionable, he wished their lordships would decide on the matter at once, as there would be less cruelty in resisting the application at first, than in giving the unhappy people delusive hopes.

Viscount *Stormont* moved, that the Bill should be printed, and then their lordships would see at once what it was, and be able to decide with propriety.

The Earl of *Effingham* said, it was unnecessary to print it, as it was the same as that in 1776, all except the three last clauses, which were omitted. He again went into argument on the general necessity for such a bill. He said he could produce 150 letters, each a tragedy, as deep and interesting as the Fatal Curiosity, or any other affecting drama on the stage. Every letter contained a lively history of the distresses of a family; and he was

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sure, when read, must move all their lordships to compassion.

The Earl of *Mansfield* said, the Bill must be printed for the sake of regularity. With regard to its being a close copy of the act of 1776, it was a strong objection against it. In every new Insolvent Bill that was brought in, parliament had taken special care to avoid the errors of the last act, and to improve upon all former bills of that nature; to go back, therefore, to the act of 1776, since which period two or three Insolvent Bills had passed, was to adopt old errors, and not to profit by past experience.

The Bill was ordered to be printed.

July 3. The Earl of *Effingham* moved for leave to call witnesses on the second reading of the Bill. Such a measure he thought requisite, to substantiate several matters of fact relative to the miserable situation of many of these unhappy persons; as by that means their lordships would have convincing proofs what a call there was at this moment for them to extend their humanity. He entered into a detail of the numbers who were now either confined or had fled into foreign parts, through an incapacity of paying those debts which misfortunes had compelled them to incur, and to avoid a similar distress; in the first description there was upwards of 10,000; in the last, more than 13,000. It was needless for him to inform the House what a disadvantage it must be to the community at large to have such an amazing number of its most useful members precluded from rendering that service to their country, which as artificers and mechanics they certainly would be of, were they employed in their different professions.

The Earl of *Mansfield* was against admitting persons being called to their lordships' bar as witnesses in this instance, because what they were to prove had nothing at all to do with the Bill; there was not a single tittle in the Bill concerning the hardships and misfortunes of the persons proposed to be set at liberty. These bills in general were rather looked upon as matters of policy than humanity; and therefore the establishing of the facts alluded to, was of no consequence whatever.

The Earl of *Effingham* said, if any noble lord would take the trouble of reading the first four lines of the preamble, he would there find it was expressly stated, to relieve those who were incapable of paying their debts, but who were ready to make every satisfaction in their power to their creditors; it was to prove this, and for several other reasons, that he wished to have the witnesses at their lordships' bar.

Earl *Bathurst* said, he had had the honour of a seat in parliament for more than fifty years, and during that space, had seen many of these kind of bills brought in: but he did not remember a single instance of one passing without meeting some opposition, on account of their being hurtful to credit; whether they were most hurtful or beneficial, he believed would always be contended; however, government had frequently thought it good policy to admit them. That many a creditor had been ruined by them, surely no one would deny; as it was notorious, that no sooner did a news-paper mention that such an act was likely to take place, than numbers immediately threw themselves into prison, or fled beyond sea, that they might take the benefit of it. It had been generally expected, that there would be one in consequence of the Prince of Wales coming of age, and that had been the occasion of increasing the numbers to so large an amount. He thought it was very wrong to hold out these kind of false hopes to people who were always ready to take advantage of their creditors; he had never seen an instance of a witness being examined in such a case; nor was there, in his idea, any occasion for it, as the preamble always spoke in general terms, and what it stated was admitted as matter of fact.

The Earl of *Effingham* replied, it would be very easy to preclude those people who had purposely thrown themselves into prison, or fled, from taking the benefit of the Act, by making the date previous to this measure being glaringly done; and for this he was prepared: for he understood, that there were but 16 went into the King's-bench in April last, and in May there were 140. This plainly pointed out the time when the Act ought to be dated.

Lord *Walsingham* was no great advocate for these bills; he did not mean to say they were not necessary at some time, but he could not find out the necessity there was for proceeding on them in a new mode; and therefore wished the noble earl would not press his motion. One thing that the noble earl had men-

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tioned, called for the greatest attention: it was the multiplicity of prisoners that were now crowded together; it was not only to be dreaded, that diseases would be among themselves, but that those diseases would spread to the kingdom at large. Some method ought to be immediately adopted to prevent this threatening evil; and it was indifferent to him, as he had stated on a former day, whether the expense was to be defrayed by the different counties, or the public at large; the Act having expired which sent felons of a certain description to work on the Thames, had occasioned this increase; debtors and felons were now crammed together, and it was highly requisite such a practice should be discontinued.

The motion was negatived.

July 7. The Earl of *Effingham* rose previous to the second reading of the Bill, and observed, that as their lordships had thought proper to refuse him the liberty of summoning witnesses to their bar, to prove facts which he thought necessary to be clearly pointed out, before they proceeded on the Bill, he was obliged to rest contented with the attendance of those who were inclined to come voluntarily. Others, indeed, he had wished to have seen there, but some would not; and others, from their embarrassments, could not with safety come without an order from that House. He, therefore, moved their lordships, "That the rev. Mr. Green be called to the bar."

Lord *Thurlow* wished the noble lord to inform the House what those facts were, which his lordship was so strenuous to prove.

The Earl of *Effingham* said, the first was to prove, that the gaols of this kingdom were filled to such an amazing degree, that an Insolvent Act, or something of a similar nature, ought to take place, by way of preventing an infection in the kingdom; secondly, that the manufactures and revenues were greatly injured by the number of useful mechanics who had fled to foreign parts on account of their debts, and were actually in the service of other states; and lastly, that many were in great distress, who, having been in gaol at the time of the tumults in 1780, were entitled to the benefits of the Act that ensued, but who, not having precisely conformed to it, in consequence of their ignorance, were still in confinement.

Lord *Thurlow* did not perceive that there was the least occasion for calling witnesses, or that they were meant, in fact, to establish any matter that was connected with the Bill in question; for, in the first place, the Bill did not make the least mention of the gaols being crowded, either as a plea or argument for passing it; and, therefore, it appeared to him as a circumstance of very little consequence to their lordships, whether it was or was not the fact; nor did he think they could, with any propriety, examine witnesses at the bar, unless their testimony went to something contained in the Bill which was at the time before the House. The second position of the noble earl was, to be sure, mentioned in the Bill; but then it was nothing more than had been mentioned in every Bill of this kind for a long time back, stating, there was a number of artisans and mechanics beyond sea, and allowing them to take the benefit of it; but it was merely a matter of opinion how many would embrace it, and a thing that could not possibly be proved; of course witnesses were very unnecessary on that head. With respect to the third, he conceived it to be farther from the point than either of the others; as this was to establish a fact that was a cause of complaint, without specifying any remedy. The late Act, of which these persons neglected to take the benefit, had been framed with the greatest attention and circumspection of several of the learned judges, to prevent its being productive of that mischief which Insolvent Bills had been found by experience to be the occasion of; both Houses were so convinced of their evil tendency, that the preamble had been totally changed; and, instead of asserting such a thing was found to be just and expedient, it stated, notwithstanding the ill consequences, such a measure was not thought necessary; therefore he was the more surprised, that the noble earl should have made choice of an act as a copy for the sanction of parliament, which had passed antecedent to those amendments. His lordship then entered largely into the mischiefs these acts were generally fraught with, and the little advantage that was derived from them; in support of which, he made use of many strong arguments, and in the end condemned the practice of passing them, not only for the reasons he had pointed out, but because they went to dispense with the laws of the land, and to declare those laws inadequate to the task they were made for.

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The Earl of *Effingham* said, he always felt his own inability, whenever he happened to differ with the learned lord, and had to contend with him on policy or politics; but as a plain man, he thought he was not incapable of judging of two or three of the plainest lines he had ever read in his life; and if that was the case, why then, the Bill in question alluded to the two first facts, which he wanted to prove, and which, if their lordships would permit him to call the witnesses, he had not the least doubt of proving. And, so far from the Bill not containing any thing relative to those who came under the description of sufferers, whom he wished to redress by proving that the fact existed, he had introduced a clause at the end of it for that purpose only, and which was the only alteration he had made in the Act of 1776. He had originally intended to have moved for the insertion of that clause, when the Bill came before the committee, but had altered his intention, lest it should have the appearance, that he wished to smuggle it through the House. He lamented as much as the noble lord, that our laws, with respect to debt, were so inadequate as to need these amendments or dispensations, and hoped he should be able to offer their lordships some plan early in the next session, that would be found more expedient than shutting an individual in the walls of a prison for life. He had heard of a woman, whose original debt was 14*l.* but which, from costs and expenses, amounted to 50*l.* who had been in prison from four years before he was born, till the present moment: it was from such cases as this, that he had long wished to abolish imprisonment for debt; and to prove the existence of many similar cases, it was, that prompted him to persist in his motion.

Lord *Thurlow* declared it as his opinion, that if it was found expedient to alter the laws respecting imprisonment for debt, it ought not to extend to any debts contracted before passing of that law, as otherwise it would take away what the creditor had looked upon as security for being paid at the time he had trusted the debtor with the goods. Insolvent acts had been so frequent, that they were now expected as a matter of course, and the whole idea of the fraudulent debtor was, how he should take the advantage of them. Communication was held at almost every jail in the kingdom, on the supposition that the present one would pass, and plans remitted to each other, containing schemes for bringing themselves within the description of it. He was certain that great numbers had gone into prison on this idea; and he was sorry, when an act of this kind passed, it was not generally understood, that there would never be another. Such a measure, he was certain, would be of great advantage to the creditor, who, practice had taught him to believe, was much more to be pitied than what was termed the unfortunate debtor.

The Earl of *Mansfield* had expressed his disapprobation to calling witnesses on a late day, when this matter was agitated before; and instead of having altered his opinion, he was the more convinced of the impropriety of adopting such a measure: to say nothing more of it, it was entirely out of all rules of that House; for although any noble lord had a right to bring up a bill to that House, yet that bill must speak for itself, and carry its necessity or meaning upon the face of it, as no noble lord was competent to introduce a bill of pains and penalties, a money-bill, or where witnesses were to prove its consequence or propriety, without first taking the sense of the House whether such bills should be brought before them or not; upon this principle, therefore, it ought to be rejected, as it would be establishing a bad precedent. His lordship then entered into arguments against these bills in general, and condemned them as of the greatest injury to credit, especially when they became so common as to be almost periodical. He would not say he should never consent to another; but yet if he intended to introduce one himself next session, he should think it extremely wrong to let such an idea get into the world, as numbers would be preparing to take advantage of such a measure taking place, and throw themselves into prison for that purpose, and to defraud their creditors. His lordship concluded by condemning the idea of calling witnesses to prove a matter that had nothing at all to do with the propriety or impropriety of passing the present one; its being a copy of that passed in 1776 was sufficient to condemn it, as both Houses had thought it requisite to make such a material difference between that and those they had passed since: it was therefore necessary that it should undergo a thorough investigation, an investigation which there would not be time for during the present session.

The Earl of *Effingham* said, he did not

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conceive that in a case of this kind it would be found good policy to stand up for the rigid observance of the rules of the House; and with respect to the time necessary on account of its differing from the last act, he did not think that of any force, as the present one, he was certain, would meet but little opposition in the House of Commons, as it was exactly similar to the one sent up by that House, but which their lordships had thought proper so to alter and mutilate as to make them say, their lordships had better regulate these bills themselves. He concluded by observing, that he had but little hopes left that he should succeed in his motion; but if their lordships would not assist him in probing this matter to the quick, he would persist in his pursuit until he should convince them it was not unworthy their notice; the practice of many of the officers cried aloud for inspection; they should have it, and their infamy should be exposed: if he could not obtain the enquiry in that House, he would pursue it in another place, for he was determined to investigate it to the bottom.

The question was then negatived; after which, the second reading was postponed to that day two months.

*Protests on the Insolvent Debtors' Bill.*] The following Protests were entered:

"Dissentient,

"Because, whether a Bill be brought in by order of the House, or by an individual member, yet if the propriety of its passing into a law depends on the truth or falsehood of certain allegations, there can be no impropriety in hearing evidence as to the matter of fact.

"2dly, Because, however it may be consistent with the compassionate feelings of the House to take facts to be granted, on which it is meant to ground an act of humanity; yet it is doubtless more consistent with its dignity and wisdom to have them established by evidence; more especially as it was so strongly urged in debate, by the side which opposed the admission of evidence, that compassion to debtors might be cruelty, and even injustice to their creditors. EFFINGHAM."

"Dissentient,

"Because, after admitting in debate that the facts on which any bill rests, are in some degree true, and refusing to hear evidence, as to the extent to which they are true; it seems hard to reject such bill, without shewing that the provisions of it are not properly applicable to facts so admitted. EFFINGHAM."

*Debate in the Lords on the Public Offices Regulation Bill.*] June 30. Earl *Temple* wished, before their lordships proceeded to the second reading of the Bill "for preventing Abuses, and establishing certain Regulations in the several Public Offices," to move that the papers should be submitted to their lordships which were laid on the table of the Commons, and which he conceived to be necessary as documents for their lordships, by which they could decide on the merits of the proposed reforms.

Earl *Fitzwilliam*, in the present stage of the Bill, did not comprehend the propriety or use of moving for these papers. If it was necessary to have them, they ought to have been called for at an earlier stage. They would take a considerable time in preparing, and were not essential, at any rate, to the second reading of the Bill.

The Earl of *Abingdon* very much approved of the motion, and thought it highly requisite that the papers should be laid before the House.

Viscount *Stormont* agreed with earl Fitzwilliam, that it was highly improper to call for the papers in the present stage of the Bill.

Lord *Sydney* contended, that their lordships could not enter into the discussion of the principle of the Bill without the papers, which, as they had been laid before the Commons, he conceived would not have been withheld here.

Lord *Thurlow* said, he wished no more than the noble viscount for this or any Bill, if the laws were already sufficient to correct abuses; but he wished to examine that fact, and therefore he wished for the papers. They would occasion very little delay, as he would pledge himself that a stationer's clerk should copy them all, 27 in number, in 24 hours, if he had admission to the Treasury.

Lord *Loughborough* could not conceive the utility of their production in any respect: to the principle of the Bill they could have no relation, and it would be at any rate prudent to see if the House went into a committee, before they ordered the papers that could only be useful there. He was persuaded the Bill must be altered; and if it was altered, being a money Bill, the House knew it would be lost. What he alluded to, had, he was persuaded, escaped the notice of those who drew the



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Bill: they had forgot that parliament had just passed an Act for the entire regulation of the Pay-office, and yet the Pay-office was one of the objects of reform in this Bill; so that the commissioners of accounts were, by this Bill, to be invested with full power to repeal every clause of a Bill just passed into a law. By a clause in the Bill the commissioners of accounts were empowered to administer an oath to persons selling offices: but did their lordships know, that there was a statute now in force, declaring the sale of an office an indictable offence? Such a violence could not pass: justice, humanity, common sense forbad it.

The House divided: Contents, 22; Not-contents, 32. The order of the day was then read for the second reading of the Bill. Upon which,

Earl *Fitzwilliam* condemned the Bill as futile and trifling, holding out a plausible appearance, but not being in fact of the least service to the public. He admitted, that abuses might prevail in the several offices enumerated in the Bill; but if they did, he thought the executive government had full power to enquire into those abuses, and to apply an effectual remedy. Allowing, however, that they had not, he did not approve of the mode of correcting them which the Bill held out, nor did he imagine that any board of Treasury would be at all pleased with having such a task imposed on them, as was therein provided

The Earl of *Abingdon* rose to give his entire support to the Bill, a Bill that came before their lordships, not, it is true, in the beautiful and sublime, but in a much more explicable shape—in the true stile and spirit of reform, in the stile and spirit of enquiry in order to reform; and not, in the more beautiful and sublime way, of reform first, and enquiry after; a Bill, therefore, which could not fail to meet with the approbation of their lordships.

Earl *Temple* said, that as their lordships had thought proper not to indulge him with the papers he had moved for, he could not enter so fully into the merits of the Bill as he otherwise would have done, but should be obliged to confine himself to what he had by other means been able to collect. His lordship went through each different office, and expatiated on the impositions that had been exacted from the public under these different claims. Some of these officers, he said, whose salaries did not amount to more than 200*l.* per annum, made from 2,000 to 2,500*l.* by these fees, perquisites, or, as they were termed by the Victualling and Navy Offices, gifts; and these men were those in whose department it was to inspect the different accounts; and it was, therefore, natural to conclude, that extra charges were permitted to pass, in proportion to the value of the presents. He enumerated a variety of instances, some of which came within his own knowledge, wherein the public property was most shamefully squandered; he likewise reprobated the idea of suffering places to be sold, as this gave men a kind of licence, or at least quitted their consciences for taking every advantage; he had once seen a letter, wherein the agent, who had the disposal of the place, had stated to a young fellow, whom he wished to induce to make the purchase, first the salary, then what were his legal perquisites, and afterwards what an opportunity he had to practise every species of fraud and villainy, and what sum he might make by it. When a man had made a purchase under these conditions, and paid accordingly, it was no wonder he thought himself entitled in some measure to put those advantages in practice. It had been observed that ministers were competent to correct these abuses. What a scandalous neglect was it, then, in them, to have suffered them to have been so openly, so glaringly pursued! He had not the most distant idea of casting the least reflection on any officer; it was the practice of office only that he meant to condemn, hoped to see reformed, and which would be effected by this Bill. Whatever should be its fate, he thought it would stamp everlasting fame on his right hon. relation (Mr. Pitt) for framing it. His lordship went through all the detail of the abuses stated to prevail in respect to persons in office being supplied with things at their own houses, to repairs of the houses held under government, the improvident consumption of stationary ware, and of other stores. In speaking of the abuse practised in regard to the stationary, he stated that lord North had consumed the last year he was at the head of the Treasury, to the amount of 1,300*l.*; and the two secretaries of the Treasury nearly the same amount between them. He mentioned also the quantity used at the Post-office; and took notice of the saying that was formely applied to a fine house erected on a certain part of the eastern coast of the kingdom, viz. "That the bricks had been burnt with Post-office paper." He like-

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wise took notice of the quantity sent to the Admiralty, to the houses of the lords commissioners, and in particular laid his finger on the exorbitant fees demanded once every four months for protections, which were generally granted to a description of men who were the least able to pay extravagant demands of office. In that part of his argument, which went to the clause respecting the repairs done to the houses of government by the board of works, he mentioned their own houses, and the expenses they cost the public. He said, it had been reported, that the house of the surveyor-general on Hampton-court green, had cost 5,000*l.* a few years since. He also adverted to the Chancellor of the Exchequer's house in Downing-street, and the repairs done to it the last year, as well as to the house in Bushy Park. With regard to the Ordnance, that, he said, was a gulph of abuse into which he would not then plunge. He concluded with earnestly pressing ministers, for their own reputation, not to attempt to get rid of the Bill in that stage of it.

Lord *Keppel* declared, that most of the abuses which the noble lord had stated, as far as they respected the Admiralty, were erroneous; with respect to the article of stationary, which appeared a great charge against every office, he did not think it possible to be carried to the length the noble lord had stated.

Lord *Townshend* thought the noble earl had cast reflections on the board at which he presided, which it was very far from deserving; it did not merit the phrase of 'a great gulph of abuse;' every species of reform had been undertaken in that department: the noble duke who had lately filled that station, had suggested plans of reform which had been put in practice, and were found in several instances to answer the purpose: it mattered not to him how much the noble duke and he might differ in some things; where he found the noble duke had formed plans for the advantage of the country, he should think himself a villain if he did not continue them. He said, the present Bill would give the lords of the Treasury a greater influence over the board of ordnance than they at present possessed. Formerly they had a greater influence with respect to it than they had now. He explained this, by mentioning that Mr. Grenville (lord Temple's father) had introduced an alteration, in consequence of which, what used formerly to be under the control of the Treasury, was now thrown upon the ordnance board, and that was the expense incurred by governors abroad, in erecting such fortifications as they might think necessary for the defence of their islands, colonies, &c. He was not to learn that there had been most shameful abuses in many of the public offices, and did not doubt but he should be able in a short time to bring some of them to light; he only waited for proof, yet he did not wish to procure it in the manner this Bill pointed out, as he should be very sorry to make any man criminate himself. This country had been greatly reduced by flagrant neglects and shameful abuses; and he saw no way for her to recover her lost fame, but by a strict reform and well suggested economy; nevertheless, as he did not perceive that matters would be in the least mended by this Bill, he should give it his negative.

The Duke of *Portland* professed himself to be a very great friend to reform in every department of the state; but he conceived it to be very essential to distinguish between what was real reform, and what was specious. He was anxious for popularity; but he wished that popularity should be the consequence, and not the cause of his actions. For this proposed reform the nation were to pay, before they obtained it, 144,000*l.* and it was to be twelve years before they began to set about its establishment; for so long time it would take, and so much money it would cost to make the necessary enquiries, preparatory to the business coming under the eyes of the Treasury, and before they could take the matter into their review. This he drew from the experience they had already had. He reminded their lordships that the commissioners of accounts, who were such favourites with the public, and whose well-known ability and integrity justly entitled them to be so, had been seven or eight months in enquiring into three only of the public offices, and in the course of that enquiry they had merely examined about thirty persons. He did not mention this with any design to find fault with the gentlemen in question, nor to impute the smallest degree of blame to them; but merely to draw the attention of their lordships to a fact, which it was of importance that they should hold in their view while they considered the present Bill. That Bill referred the commissioners to twenty-two different offices, and they

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would have to examine between 6 and 7,000 persons. In order, therefore, to enter upon such a large field of business with any sort of expectation of getting through it, there must, if the Bill passed, necessarily be two or more additional commissioners, with additional clerks; so that the operation of the Bill would set off with saddling the public with an expense of 12,000*l.* a year, and in all human probability the enquiry would last many years; and, after all, when the commissioners of accounts had done their duty, the commissioners of the Treasury would have to begin their task; since their fiat was to govern all the proceedings antecedent to the appeal to parliament. The commissioners of the Treasury, he should suppose, would think it necessary to follow the commissioners of accounts, and re-trace the way they had come, step by step. And in the mean time, without all this waste of time and money, the whole of the reform might be produced by the mere integrity and vigilance of ministers. The present laws were amply sufficient, if the laws were enforced. It had been his care, as it was his duty, to see that they were enforced; and the penalties were already so heavy, and so easily to be prosecuted for and obtained, that he conceived it to be totally unnecessary to go farther. He stated various objections to the Bill itself; some of its provisions were exceedingly unwise; but on these he would not enter, as the whole of it was unnecessary.

Earl *Ferrers* thought the respect they owed to the other House, added to the high character of the right hon. gentleman who first brought it into parliament, ought to weigh with them so far as to induce them to let the Bill go to the committee.

Lord *Thurlow* said, they would find no man less disposed than himself to yield to the torrent of popular clamour; but he did not imagine that the grave and sober wisdom of the House of Commons was to be called by that name. They had with one voice sent up this Bill, and it at least deserved to be deliberately considered before it was rejected. He observed, that it was admitted, that the abuses it professed to correct really existed; and he wondered how, that being the fact, it should be thought right to put an end to the Bill in so uncandid a manner. He said, he felt for the reputation of ministers; and, as the well-wisher to those men of honour and honesty who were members of administration, he would advise them not to rest on the pledge the noble duke had rashly hazarded. With regard to the loss of popularity, that was not an object to be regarded. He who rested merely on popular opinion, and the empty clamour of a newspaper, was an object only of the contempt which such supports deserved. What he advised the noble duke to avoid was, the condemnation of wise, temperate, and thinking men, who never judged rashly or hastily, but upon mature reflection, and well warranted conclusion. All such men must condemn an act of so much littleness, as a determination to get rid of the bill without a due investigation of its premises. He ridiculed the arguments of the opposers of the Bill in strong terms, and said, after the rank and scandalous history of abuses that had been stated by the noble earl who spoke some time since, he should not have imagined that any one man hardy enough to oppose the principle of the Bill could have been found. He denied that the length of time it would cost the commissioners of accounts to comply with the terms of the Bill depended on the number of persons to be examined; and said, that it by no means followed, because they had been some months examining a few, that they must necessarily be many years examining a greater number. He concurred in principle with those who opposed the Bill, as to the impropriety of taking any thing out of the hands of the executive government, which it had the power purely to accomplish; but they ought to examine with considerable minuteness and attention, whether they had that power or not. It was not sufficiently satisfactory to him, that one noble duke, however high the noble duke's character, stood up and pledged himself vaguely and loosely, that he would begin the reform in question. The reform was wanted—it was loudly called for; and the best means of effecting it would be to do it in the face of day. A great deal of good had already happened in consequence of the business having been brought into discussion: that good ministers could not take away; but if they refused to go into the committee upon the Bill, they clearly rendered the good already done of as little use as possible. Many of the abuses stated by the noble earl were such as were cognizable and punishable as the law stood. He asked what the Attorney General was doing? Had no such process as an English Bill been ever heard of? If the Attorney Ge-

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neral did not speedily take up some of the facts that had been that day stated, that officer would be animadverted upon in a manner not much to his credit. He denied that the laws, however well administered, were already sufficient for the redress of the evil: it was not in the power of the best ministers to do all that was necessary, even supposing that we should always have good ministers. But in case that we should at any time have ministers bankrupts in fortune and in name, what bond had the nation against them? None; and therefore the present Bill was requisite. He was no friend to the diminution of the influence of the crown: he thought that it was not adequate to the necessary functions, much less dangerously great; for he was not one of those who thought that the crown should be so precarious as to be put under the control of a faction, and that its dignity should be lowered by the caprice or the humour of either this or that set of men.

Viscount *Stormont* entered into his reasons for thinking that the present Bill was very defective in principle, as well as unnecessary. It gave most extraordinary powers to the Treasury, and diminished the necessary power and the dignity of the other officers, in a manner very inconsistent with the duties which they had to discharge. It was to force men into situations the most irksome of any that could be imagined, in which the danger would be greater than any inducement of advantage; and all this was to be done for a reform within the reach of any honest ministry, without the delay and without the expense of the present Bill. He remarked, that several of the great offices of the state had ever been distinct and independent: but this Bill gave the Treasury a painful pre-eminence over all of them, and made every one of the rest subject to its control. With regard to fees and perquisites, he shewed, in a variety of instances, that it would be a manifest injustice to take them away, and a great public detriment were the quantum of fees taken, with an ample statement of the grounds upon which they were received, exposed to public view. Having demonstrated, that the Bill could not be carried into practice without great inconvenience, delay, and expence, his lordship said, he should give the motion for its being committed his direct negative.

The House then divided: Contents, 20; Proxies, 4;—24. Non-contents, 26; Proxies, 14;—40. The Bill was in consequence rejected.

*Protest on the Rejection of the Public Offices Regulation Bill.*] The following Protest was entered on the Journals:—

"Dissentient,

1. "Because the information laid before the House of Commons, authenticating many facts of gross abuse and mismanagement, upon which it is presumed this Bill was there passed, was refused by a majority of this House.

2. "Because various facts adduced in debate, to prove the existence of gross abuse and mismanagement, were on all hands admitted.

3. "Because this House hath refused even to entertain a Bill, found upon the information contained in those papers, and maturely considered and adjusted in the other House; and because no adequate solution was proposed, that held a reasonable expectation, that these abuses would be redressed, in the common course and practice of office.——*(Signed.)*—Radnor, Nugent Temple, Osborne, Chandos, Abingdon, Ferrers, De Ferrars, Chatham, Say and Seyle, Rutland, Sydney."

*Debate in the Commons concerning Balances in the hands of Public Accountants.*] July 10. Lord *John Cavendish* laid before the House, "a list of the public accountants who have received public money by way of imprest, and upon account, and who have not yet accounted for the same, and of those persons from whom balances of declared accounts are still due." The moment the book was laid upon the table, and before any one had time to look into it,

Mr. *W. Pitt* rose to make a motion upon it. He said, that from the book that had been just laid upon the table, it appeared that 44 millions of the public money had been issued to public accountants, who had not passed any account whatever for these sums before the auditors of the imprest. He did not wish to be understood to mean that such a sum was due to the public, and might be recovered; he did not believe there was even a hundredth part of it that was due or recoverable; nay, he knew that many of the persons, who stood as debtors to the public in the book then on the table, had actually passed their accounts before the treasurer; nay, that in the case of

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contracts the money had actually been due before it had been issued from the Exchequer, because the service to which the contractors were bound by their contracts, had been performed before the issuing of the money: but still, though the money had been accounted for in substance, it had not been accounted for in form, because the accounts had not passed before the auditors of the imprest: this, he said, might be an argument against the present forms of passing accounts in the Exchequer, as such a length of time must necessarily elapse before they were likely to be called for, that in the mean time the money might be dissipated. He said, that it might be proper to pass an act of parliament to operate as a *quietus* to the representatives of accountants, to whom money had been issued 50 years ago, and where the vouchers for the expenditure might, through lapse of time, have been lost; but on the other hand, it would be as proper to compel accountants of a later date to pass their accounts, and pay such balances as should be due to the public. He concluded, by moving, "That an humble Address be presented to his Majesty, representing to his Majesty, that it appears that large sums of money, which have at different times, and many of them very long since, been paid for public services to sub-accountants, amounting in the whole to above 44 millions, have not yet been accounted for before the auditors of the imprest; and that, although many of them may have been otherwise accounted for in the course of office, yet others, to a very large amount, have not been accounted for at all: That it appears to this House to be of the utmost importance, that all public accounts should be brought forward with as little delay as possible; and that therefore they do humbly beseech his Majesty, to be graciously pleased to give directions, that the most effectual measures should be taken to enquire concerning the persons to whom the said sums have been issued, or their legal representatives, and particularly those to whom money has been issued in the course of the late expensive war; and to take measures, in all cases where there shall appear to be sufficient ground to compel them, in due course of law, to account for the same; and that this House will in due time co-operate in such measures as may, on full deliberation, appear to be proper, in order to prevent the like delays for the future."

Mr. *W. Grenville* seconded the motion.

Sir *Grey Cooper* remarked, that he believed the whole of the money was accounted for in some form, although not in a strict regular manner, as it undoubtedly ought to have been: he stated also, that the barons of the Exchequer, with great care and fidelity, examined every year into the public accounts, and never passed them without the fullest enquiry. Without the notice and commentary which the right hon. gentleman had made, and even with it, the book might tend to prejudice the credit of men concerned in trade and mercantile transactions. It was no indifferent matter to have it published to the world, that they stood upon record, debtors to the public for large unaccounted sums, and liable to the process of the crown. There were some instances where persons who had received public money stood, upon the face of that book, accountable for upwards of 500,000*l.*; and who, upon the auditors' state of their accounts, claim a balance due to them from the public; and, because these cravings were not settled, they still stood upon the roll, as debtors for the whole sum. The right hon. gentleman knew that the sub-accountants could not be set *insuper* upon the roll, until the final account of the principal was declared: upwards of 33 millions of the sums set against the names of the sub-accountants, arose out of the accounts of the paymasters-general, some of which had been passed very lately, and some not yet passed; and he was persuaded, that no attention or activity were wanting on the part of the barons of the Exchequer, to compel accountants to render their accounts. The whole court had for some years past sat upon the apposal, as it was called, of the sheriff of Middlesex, in which were comprehended the accounts of all the great officers of the crown. The deputy auditors attended; and upon the half-yearly certificates being read, they asked the sheriff what he had done in this or that writ against such or such a person? Whether he has returned issues against them, and to what amount? They examined the deputy auditors concerning the circumstances of each case, and particularly whether the accountant, who appeared to have been served with process by the sheriff, had come in and delivered his voucher and accounts, or any or what part of them; or had proceeded on those already delivered in. If the issues returned by the sheriff were small, the court

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often took the matter up, and ordered the sheriff *instanter* to return larger issues, such as they thought more adequate to the default, and the sums unaccounted for. It must however be admitted, that the process of the court, and the power of compelling defaulters to come in, were not calculated for the auditing and passing the accounts of the expenditure of the public money in the two last wars, and that the process against sub-accountants and *insupers* wanted amendment; and therefore he did not, upon the whole, object to the address.

Lord *North* had his doubts as to the authenticity of the book on the table; it was not the production of office, but of a private individual; and what demonstrated that it was not correct, was, that the right hon. member himself had stated, some months ago, on the authority of the book, which he had then seen, before it was laid before the House, that near 50 million of the public money had never been accounted for; whereas the book had since undergone a revision, and now the sum was reduced to 44 million. If the right hon. member meant to condemn the mode of passing the public accounts, he would readily join with him: the mode was certainly calculated only for domestic expenses, not for the expenses attending a great army and navy. But the public must not be misled by the motion: of the 44 million mentioned in the motion, 30 million were to be accounted for, by the last three paymasters, Mr. Rigby, Mr. Burke, and colonel Barré, who, had they been ever so willing and ever so ready, could not have passed their accounts yet; there were 12 million more, which were to be, and in substance, though not in form, had been accounted for by the executors of lord Holland; so that the sum that remained in reality unaccounted for, would be found to be very trifling indeed.

Mr. *Sheridan* moved two amendments to the motion. The one was, to leave out the words, "it appears to this House," and insert in their stead the following, "this House having reason to believe;" the other, to leave out the specific sum of 44 million, so that the phrase would run generally that great sums, &c. had been issued, and had not been accounted for. These amendments appeared to him the more necessary, as the book, on which the motion was founded, could not be called a parliamentary voucher, such as would support the assertion, "it appears to this House;" for, in fact, it was merely a compilation, made up indeed by a respectable individual, but at the same time unauthorized either by parliament or the Treasury; and if the noble lord produced such a book at all, it was only in deference to the right hon. mover, who, having seen the book, wished it to be produced to the House; but though it might serve to satisfy the curiosity of the House, it was not so authentic a document, that a grave proceeding should be grounded upon it.

Mr. *W. Grenville* said, that if the book was any authority to support the House in saying that there "was reason for believing," &c. it was surely as good authority for saying, that "it appears;" and consequently it was good authority for the sum specified. He thought the amendments would defeat the object of the Address.

Mr. *W. Pitt* was of the same opinion; and he said, that though the books might have originally stated the sum in question to be near 50 million, and yet stated it now at 44 million, this was no argument against the authenticity of the book; because the very mention of the subject by him, about three months ago, had made government so expeditious in passing accounts, that they had passed as much since, as made the difference between 50 million and 44 million.

Lord *John Cavendish* said, the sum had been sunk from 50 to 44 million, not by the passing of any accounts since, but by the discovery of errors in the book, by which sums had been stated as not having been passed, which had afterwards been found to have been audited; and he was convinced that there were still many more errors in the book: this was a reason why he would not vouch for its correctness, and why the House ought to adopt the amendments. He would advise gentlemen not to be led away by the hope that much money was to be recovered by compulsory means; or, indeed, that compulsory means ought to be used on many occasions; great parts of the sums were due ever since the year 1746; in many cases not more than one shilling was stated as due, in others 50*l*. These sums were due in Germany, and he was of opinion the House would scarcely believe it advisable to go to the expense of sending to Germany to recover these paltry sums.

Mr. *Arden* contended, that there could be no reasonable objection to the motion,

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that it tended not to commit the House in the smallest degree, and that if the objections urged had any validity, the blame of not having a more authentic account of the money unaccounted for, before the House, than the book upon the table, lay wholly with the noble lord at the head of the Exchequer.

Mr. *Fox* said, he would adopt the amendments in preference to the original motion, because he preferred truth to falsehood: it was true, that he had reason to believe great sums were still to be accounted for; but it would be a falsehood to assert, when no authentic document was before the House, that "it appears" to the House, that great sums are still unaccounted for; and still more false would it be to state these sums to amount to 44 millions. But the right hon. member probably had his views for stating a specific sum; such, probably, as those persons had, who when his noble relation, the late lord Holland, had about 400,000*l.* of the public money in his hands, called him the public defaulter of unaccounted millions; and said, that he had 40 million still in his hands to account for.—Fifty millions of public money, unaccounted for, had been roundly asserted to be the sum that the motion of the 28th of February would bring to light. The right hon. gentleman who made the motion, had now chosen to say, he had talked only of forty-nine millions, and lo! the book upon the table, in proof of the authenticity of which the House had heard so much from the other side of the House, stated only forty-four millions, of which the right hon. gentleman had himself declared, he did not think the one hundredth part of the sum was recoverable, or much of it due. Having put this in a point of view that flashed conviction with it, Mr. Fox took notice of the manner in which the book had been brought forward; and said, if he were obliged to pass an opinion on the fact, he should certainly declare, that his noble friend did wrong to present the book at all. His noble friend's well-known extreme candour, and his wish on all occasions to please every person, added to the idea, that producing such a book might gratify the curiosity of the House, were certainly reasons that obviously accounted for his noble friend's having been induced to present the book at the bar. But if he had been consulted, he should certainly have advised the noble lord not to have brought it in; and he was persuaded, if his noble friend had taken more time to consider of the matter, and it had occurred to his mind, that so ill a use was likely to be made of the book, when presented, he would have been of the same opinion. After urging this very strongly, Mr. Fox observed, that it was a little extraordinary that the right hon. gentleman who moved the address, and his friends who supported it, should so loudly and so vehemently complain that ministers were averse to enquiry, and that they were determined to oppose every proposition of reform, when neither his hon. friend who had proposed the amendments, nor any other person who had spoken in favour of them, had made the least opposition to the main object of the address. To that nobody objected. The amendments would neither prejudice nor diminish it. Considered as an enquiry, with a view to prospective regulation, the book upon the table was every way adequate. If the enquiry was meant to be retrospective, undoubtedly the book was not a ground of sufficient authenticity to rest a proceeding upon. But to what purpose go into a retrospective enquiry, where there was so small a hope of benefit?

The first amendment was put and carried.

Mr. *Arden* opposed the second amendment, because it was impossible for that House to say that 44 millions were not unaccounted for. He declared, whoever had at any time suggested that the late lord Holland was a defaulter of unaccounted millions, with a view to the having it supposed that he stood indebted many millions to the public, had done extremely wrong. He wished not to mislead. He thought the public ought to know the fact as it was; that there was no occasion for all this tenderness about the 44 millions; and, therefore, he should give his negative to the amendment.

Mr. *Fraser* (son of the late lord Lovat) declared he rose to applaud the zeal of the right hon. gentleman who moved the subject of the present discussion; and, if possible, to applaud still more the candour of the noble lord who had just laid the book of accounts in question upon their table, in the manner he had done; and farther, as a simple individual, to observe, he could not give a silent vote on the occasion. The book in question might, and doubtless did, contain many truths; but the book itself had been so much sought after, that, although he had watched for near two hours, he had

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not caught the moment that he could cast his eyes on it; and he was now called to give his assent to there being 44 million of public money unaccounted for. He was very ready to suppose there were enormous sums unaccounted for, but he could not give his voice for any specific sum; and as there were other gentlemen who might feel as he did, he hoped that the insertion of no specific sum would be insisted on.

The amendment was carried without a division.

*The Speaker's Speech to the King on presenting the Money Bills.*] July 16. His Majesty being seated on the throne, the usher of the Black Rod carried a message to the Commons, desiring their attendance; the Speaker, with the rest of the House, came to the bar accordingly; and after making due obedience, the Speaker addressed his Majesty with a few words: he began with stating, "that he had brought with him three Bills, which were the last his Majesty's faithful Commons had voted in their committee of supply, and with which, with all humility, they desired his royal concurrence. He said, the Commons had granted the large and liberal supplies that had been asked, with great cheerfulness, and in perfect confidence, that his Majesty would direct them to be applied to the public service with that spirit of economy, by a due attention to which alone, the affairs of the kingdom could be rendered prosperous at home, and respectable abroad. He observed, that the revolution that had taken place in the situation of the kingdom, having brought with it a return of all the blessings of peace, a great part of the public expenses were necessarily ceased. His Majesty's faithful Commons, he said, had turned their attention in the course of the session to the affairs of the East Indies, and he trusted, that the progress they had made in the business, promised, if the subject was resumed, and attended to with the same zeal and assiduity next session, ultimately to produce essential and permanent advantages to both countries." He added a few other remarks; and then presented the Bills in form, to which the royal assent was regularly given.

*The King's Speech at the Close of the Session.*] His Majesty then made the following Speech to both Houses:

"My Lords and Gentlemen;

"The advanced season of the year requires some remission from your long and laborious attention to the public service. The exigencies of that service may oblige me to call you together again at an early period; and I persuade myself, from my uniform experience of your affection to me, and your zeal for the public good, that you will chearfully submit to a temporary inconvenience, for the permanent advantage of your country.

"The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.

"I expected to have had the satisfaction of acquainting you, before the end of the session, that the terms of pacification were definitively settled; but the complicated state of the business in discussion has unavoidably protracted the negociation. I have, however, every reason to believe, from the dispositions shewn by the several powers concerned, that they are perfectly well inclined to such a conclusion as may secure the blessings of peace, so much and so equally to be desired by all parties."

"Gentlemen of the House of Commons;

"I thank you for the supplies you have so liberally granted for the public service; for facilitating my arrangements towards a separate establishment for the Prince of Wales; and for enabling me, without any new burden on my people, to discharge the debt which remained on my civil list."

"My Lords and Gentlemen;

"I earnestly recommend to you an attention towards promoting among my people, in your several counties, that spirit of order, regularity, and industry, which is the true source of revenue and power in this nation; and without which, all regulation for the improvement of the one, or the increase of the other, will have no effect."

Then the Earl of Mansfield, by his Majesty's command, prorogued the parliament to the 9th of September. It was again prorogued to the 11th of November.

## FOURTH SESSION OF THE FIFTEENTH PARLIAMENT OF GREAT BRITAIN.

*Introduction of the Prince of Wales into the House of Peers.*] November 11. The



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following is copied from the London Gazette of November 15, 1783:—

Ceremonial of the Introduction of his Royal Highness George Augustus Frederick Prince of Wales, into the House of Peers, at the Meeting of Parliament on Tuesday, November 11, 1783.

His Royal Highness having been, by letters patent, dated the 19th day of August, in the second year of his Majesty's reign, created Prince of Wales and Earl of Chester, was in his robes, which, with the collar and order of the Garter, he had put on in the Earl Marshal's room, introduced into the House of Peers in the following order:

Gentleman Usher of the Black Rod, with his Staff of Office.
Earl of Surrey,
Deputy Earl Marshal of England.
Earl of Carlisle,
Lord Privy Seal.
Garter Principal King of Arms, in his Robe, with his Sceptre, bearing his Royal Highness's Patent.
Sir Peter Burrell,
Deputy Great Chamberlain of England.
Viscount Stormont,
Lord President of the Council.
The Coronet
On a crimson velvet cushion, borne by Viscount Lewisham, one of the Gentlemen of his Royal Highness's Bed Chamber.
His Royal Highness the Prince of Wales,
Carrying his Writ of Summons, supported by his uncle the Duke of Cumberland, and the Dukes of Richmond and Portland.

And, proceeding up the House with the usual reverences, the writ and patent were delivered to the Earl of Mansfield, Speaker, on the woolsack, and read by the Clerk of the Parliament at the table; his Royal Highness and the rest of the procession standing near: after which, his Royal Highness was conducted to his chair on the right hand of the throne, the coronet and cushion having been laid on a stool before the chair, and his Royal Highness being covered as usual, the ceremony ended.

*The King's Speech on Opening the Session.*] At a quarter before three, his Majesty came in the usual state; and being seated on the throne, his royal highness the Prince of Wales again took his seat in the chair of state, on the right hand of his Majesty. Lord Southampton and lord Lewisham supporting the coronet, and other proper officers standing near the chair. The Speaker of the House of Commons, with a number of members, being come to the bar, his Majesty made the following Speech to both Houses:—

"My Lords and Gentlemen;

"I have the satisfaction to inform you, that definitive treaties of peace have been concluded with the courts of France and Spain, and with the United States of America. Preliminary articles have been also ratified with the States-General of the United Provinces. I have ordered these several treaties to be laid before you; and, I am happy to add, that I have no cause to doubt, but that all those powers agree with me in my sincere inclination to keep the calamities of war at a great distance.

"The objects which are to be brought under your deliberation will sufficiently explain my reasons for calling you together after so short a recess. Enquiries of the utmost importance have been long and diligently pursued, and the fruit of them will be expected. The situation of the East India Company will require the utmost exertions of your wisdom, to maintain and improve the valuable advantages derived from our Indian possessions, and to promote and secure the happiness of the native inhabitants of those provinces.

"The season of peace will call upon you for an attention to every thing which can recruit the strength of the nation, after so long and so expensive a war. The security and increase of the revenue, in the manner the least burthensome to my subjects, will be amongst your first objects. In many essential parts it has suffered: dangerous frauds have prevailed, and alarming outrages have been committed. Exertions have not been wanting to repress this daring spirit, nor pains to enquire into its true causes. In any instances in which the power of government may not be equal to its utmost care and vigilance, I have no doubt that the wisdom of my parliament will provide such remedies as may be found wanting for the accomplishment of purposes in which the material interests of this nation are so deeply concerned.

"Gentlemen of the House of Commons;

"I have ordered the estimates of the expenses for the year to be laid before you. From those you will perceive the reduction which I have made in all the establishments, which appear to me to be brought as low as prudence will admit: and you will participate with me in the satisfaction which I feel in this step towards the relief of my subjects. At the end of a war some part of its weight must inevi-

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tably be borne for a time. I feel for the burthens of my people; but I rely on that fortitude which has hitherto supported this nation under many difficulties, for their bearing those which the present exigencies require, and which are so necessary for the full support of national credit.

"My Lords and Gentlemen;

"In many respects our situation is new. Your councils will provide what is called for by that situation; and your wisdom will give permanence to whatever has been found beneficial by the experience of ages. In your deliberations you will preserve that temper of moderation which the importance of their objects demands, and will, I have no doubt, produce; and I am sure that you are unanimous in your desire to direct all those deliberations to the honour of my crown, the safety of my dominions, and the prosperity of my people."

*Debate in the Lords on the Address of Thanks.*] The King having retired, the Prince of Wales, at the table, took the oaths of allegiance and supremacy, and made and subscribed the declaration; and also took and subscribed the oath of abjuration*.

The Earl of *Scarborough* rose to move an address of thanks. The paternal regard his Majesty expressed for his people, the duty that was due to such a sovereign, and the respect which the speech demanded, were, he said, matters that warranted an address of the most affectionate kind. The noble earl expressed his most ample confidence in the present ministry, whom he called an administration that had the warm hearts and the good wishes of the people. They were composed of men long tried in the public cause; men on whom dependence could be placed, and who certainly had, by their councils and their conduct, saved this empire from ruin. The blessings of peace had, through their means, been accomplished at a trying period, when the affairs of this country, distracted by the cabals of party, seemed almost irretrievable. This conduct attached him to their support, and made him particularly anxious to shew his reverence for a sovereign who had discerned the merit of such men, and foresaw the good consequences that must flow from their advice in council, and their abilities in the execution of what they proposed.—The definitive articles of pacification, said he, have been negociated on the ground of a preliminary treaty, digested and formed by an administration who expired on the conclusion of that business. The present ministers naturally found themselves embarrassed: the preliminaries were such as no good man could approve of; but the national faith was pledged. Under these circumstances, the definitive treaty has been brought to a conclusion: it is a superstructure that has been reared on a basis laid by men who have ceased to exist as the ministers of this country. The other various and important objects to which his Majesty directs our attention, illustrate strongly the interest he is pleased to take in the national welfare, and demand our warmest acknowledgments. The moments of peace are the moments of political enquiry, and of civil reform: they afford a proper pause for deliberation and scrutiny. It is his Majesty's gracious wish that they may be converted to this purpose. Dangerous frauds have prevailed; alarming outrages have been committed; the affairs of a great trading company have become the subject of general consideration: these are matters of no trivial concern; and to these objects, his Majesty, ever watchful over the interest of his subjects, wished to direct the attention of his parliament and people. Impressed with these sentiments, I beg leave to move an humble address of thanks to his Majesty, for his most gracious speech from the throne.

Lord *Hampden* requested the indulgence of their lordships to a young member, who had only that day taken his seat in the House. He was actuated, he said, by motives of the most truly patriotic kind, to deliver his sentiments on the motion made by the noble lord who preceded him, and hoped for the indulgence of a few minutes. Peace, long wished-for peace, had been at last established; and through the spirit, and the good conduct of the pre-

* His royal highness the Prince of Wales was dressed in a black velvet, most richly embroidered with gold and pink spangle, and lined with pink sattin. His shoes had pink heels; his hair was dressed much out at the sides, and very full frizzed, with two very small curls at the bottom. During the speeches of lords Scarborough, Hampden, and Temple, he sat between the duke of Cumberland and lord Keppel, and conversed much with lord Loughborough and the duke of Portland, who sat on the form beneath him. His Royal Highness afterwards went to the House of Commons, and remained there during the whole of Mr. Fox's speech.

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sent ministry, it was not quite so disgraceful in the ratification, as in the preliminary articles; the latter of which his lordship called disgraceful, pusillanimous, and dishonourable. They were disgraceful, because they took away from the dignity of this kingdom; they were dishonourable, because better terms might have been obtained; and they were pusillanimous, because we made concessions, when we should have had humiliations. The news, then no secret, and afterwards confirmed in its report, was a strong proof of the truth of this opinion. We gave up in the preliminaries, that which we never should have ceded; but to the cession of which in the ratification, we were bound by those preliminaries. The peace appeared to him in the shape of a rickety bantling, dropped at the door of the present ministers by its too hasty parents, and there begging for support and protection. They took it up, examined its defects; and as they found a kind of national promise made in its favour, they nursed it, and by the dint of political art, kept it alive, until they could obtain a ratification for its existence, on the best terms that could be obtained for the benefit of its country. This country, therefore, stood indebted to the present administration, for amending, in the ratified articles, those shameful, those disgraceful terms, that were in the preliminaries. On a due consideration of this subject, he meant to give his support to the present men in power, until he saw a change of their political principles; and then he should be as ready to condemn as he now was to approve their conduct. He hoped that all party quarrels would be dropped, and the hands and hearts of the senate would unite for the glory, the happiness, and the good of their country: the throne recommended it, the people wished it, and the common cause of the subject demanded it. He feared, however, that there lay in embryo some turbulent spirits, who might rise to oppose and clog the wheels of government. These, he added, were enemies to their country; for as nothing but the most frivolous complaint could be urged, so the attempt against ministers would appear in a very odious light to the public at large, and to the common sense of every individual. Conceiving the subject in this point of view, he should second the motion for the Address.

Earl *Temple* said:—I do not rise, my lords, with any intention to oppose the motion. The speech from the throne must, in my mind, give very general satisfaction; and I shall never descend to the meanness of a factious opposition. If I were called upon to deliver my sentiments on the speech, I should rather find fault with it for its omissions than for what it contains. It speaks a language of zeal and earnestness, and, as far as it goes, is congenial with my feelings and ideas. But, my lords, having said this, I may be permitted to state my reasons for withholding confidence from the present administration. I have no wish to inflame; I am not instigated by envy; I do not speak hastily, but on the most mature deliberation—I must declare that I have no confidence in the present ministers. My lords, when I look back but a very few months to the events in our history, I do not hesitate to pronounce it as my opinion, that the present ministers have in one great measure attacked, if they have not destroyed, the constitution of the country. This is a bold assertion; but I do not throw it out lightly and at hazard; it is the result of enquiry and discussion. I say, my lords, that the constitution of the country must be destroyed, when a set of men can seize on the reins of government, and take the closet of the king by assault. I am not weak enough to hazard this charge, eight months after the event, without having seriously weighed it in my mind; and I should have delivered it at an earlier period, but that I was absent in another place. My situation at that time I accepted, in duty to my sovereign and country. I was introduced into it by no party: I was neither the adherent nor the dupe of any faction. I received it in the most honourable manner, from the crown; and I maintained myself in the situation by the purest and most upright means, by acting under the principles of the constitution, and studying the happiness and welfare of the country. When I saw the bold and unconstitutional attack that was made on the dignity of the crown, and on the system of the country, I thought it high time to lay at his Majesty's feet the commission which I had received. There was a time, my lords, when this House was voted to be useless.* On this occasion the bold faction did not proceed to this indecent length; but where, my lords, was the virtue, where the energy, where the influence and use of this House, when they could

* See Vol. 6, p. 1284.

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see and suffer such an infringement to be made on the constitution? This House, in that moment, was evidently a cypher; and in so far I aver, the equilibrium of the legislature was overturned. I speak from no envy nor disappointment: the manner in which I accepted and resigned my office, will acquit me from the imputation of interested motives; and I do not speak from any factious desire of setting up an indiscriminate opposition to his Majesty's government.—I have reasons, from the conduct of ministers since they came into office, for distrusting them. The treaty with the Americans is concluded; and as the noble viscount says, both of that and of the definitive treaties with France and Spain, they are certainly the legitimate children; but having adopted the issue which they so violently condemned, it surely became them to have nurtured the offspring with the greatest care and tenderness, to have made them at least as vigorous and promising as possible; instead of which, have they taken the measures which prudence and policy pointed out? What is become of the commercial treaty with America, from which so much good was promised? Has it not terminated in air? The gentleman who was employed to negociate that treaty is returned from Paris; the whole is broken off, and broken off for reasons, which, if his information was right, were censurable. Preliminary articles are signed with Holland; but give me leave to say, my lords, that they also are but the legitimate offspring of the measures of the former ministry; the advantages procured in that treaty were secured, and it must be known why these preliminary articles have not yet been wrought up into a definitive treaty. Why have we not yet begun even to reap the advantages of this peace? Why have not our ministers been more vigorous and decisive in giving the finishing hand to a treaty which they boast to be so profitable?—The critical and very serious affairs of the East Indies, properly make a paragraph in the speech from the throne: it certainly was time that the nation should begin to reap the advantages of the elaborate enquiries which had taken place. The state of the funds, my lords, calls for the most serious consideration: at this instant, they are more depressed than almost at any period during the late distress and exertions of the nation, nay, even in the moment of threatened invasion; and, indeed, it was likely to be so, when, along with the other causes, there was so immense a sum as 24 millions of unfunded debt, part of which bore an interest of 8 per cent. Was it not singular, that ministers should not have thought fit to recommend from the throne the immediate consideration of the funds, and to take notice of their late extraordinary fall—a fall which could not be the effect of chance, but of a fixed and alarming cause? It would not have been improper to have stated what they meant to do in this business, that the minds of the stockholders might be quieted.—I now come, my lords, to mention a matter of the most delicate kind; and, when I presume to touch it at all, I do it with pain to myself and anxiety. But your lordships may conceive that I feel myself particularly interested in whatever belongs to Ireland. Surely ministers, on this delicate ground, should have given us some general consolatory expression, merely to quiet the suspicions that must be excited by their total silence—if they had done no more than just echoed the Address of the House of Lords and Commons, and framed any general words which might have shewn their disposition to harmony and union.—I said, my lords, that I did not mean to give any opposition to the motion for the Address, nor to suggest any amendment. I have delivered to you my reason for distrusting the King's ministers: I shall certainly watch their conduct; and in doing so, without being instigated by factious motives, I shall, in my place, state whatever appears to me to be censurable or injurious.

*The Lords' Address of Thanks.*] The following Address was then agreed to, *nem. con.*

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our most humble thanks for your most gracious speech from the throne.

"With the most respectful affection to your royal person and family, we beg leave to offer our sincere congratulations on the birth of another princess, and the happy recovery of the queen. Truly sensible of the blessings we enjoy under your Majesty's most auspicious government, we rejoice at every event that can add to your Majesty's domestic happiness.

"We congratulate your Majesty on

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the success of your endeavours to restore the public tranquillity. We return your Majesty our most humble thanks for having ordered the Definitive Treaties with the courts of France and Spain, and with the United States of America, and the Preliminary Articles ratified with the States-General of the United Provinces, to be laid before us; and we assure your Majesty, that we learn with the greatest satisfaction, that all those powers agree with your Majesty in your sincere inclinations to keep the calamities of war at a great distance.

"We humbly and thankfully acknowledge your Majesty's royal regard to the general welfare of all your Majesty's dominions, in having called your parliament together at this early season; and we beg leave to assure your Majesty, that the most diligent attention shall be given by us to those objects, which wait our deliberation. The situation of the East India Company will require our immediate consideration; and we beg your Majesty to be assured, that we will use our utmost endeavours to maintain and improve the valuable advantages derived from our Indian possessions, and to secure the happiness of the native inhabitants of those provinces.

"Animated by your Majesty's example, and by the love of our country, we shall take the earliest advantage of the season of peace to direct our counsels to every thing that can recruit the strength of the nation, after so long and so expensive a war; and while we express the grateful sense we entertain of your Majesty's paternal care in recommending the security and increase of the revenue in a manner the least burthensome to your people, we shall be happy to co-operate in whatever may be found expedient for those salutary purposes, or may tend to counteract those frauds, and to repress that spirit of outrage which has been so alarmingly prevalent.

"We humbly entreat your Majesty to be persuaded, that our utmost assiduity shall be employed in providing what is called for by the present situation of this country; and that in our labours for that purpose, we shall not only use the utmost caution in regard to whatever the experience of past times has shewn to be beneficial, but shall endeavour, to the extent of our abilities, to make all such benefits permanent.

"It will be our duty to preserve that temper and moderation in our deliberations which your Majesty has been pleased to recommend, and which the importance of their objects will demand; and we shall be anxious not to neglect any opportunity of meriting the good opinion your Majesty has graciously expressed, of our unanimous desire to secure and promote the honour of your Majesty's crown, the safety of your dominions, and the prosperity of your people."

*The King's Answer.*] His Majesty returned this Answer:—

"My Lords; I thank you for this dutiful and loyal Address. I receive with pleasure your congratulations on the birth of a Princess, and the recovery of the Queen, as renewed proofs of your affection to my person and family. The assurances you give me of your attention to the objects recommended for the welfare of my subjects, are highly acceptable; and I regard the unanimity with which they are offered, as an earnest of the success which, I trust, will attend your endeavours to establish the honour of my crown, and the prosperity of my people."

*Debate in the Commons on the Address of Thanks.*] The Commons being returned to their House, the King's Speech was read by the Speaker; after which,

The Earl of *Upper Ossory* rose to move an Address in answer to it. He said, that, unaccustomed as he was to speak in public, and conscious of his want of the powers of persuasion, he would not have undertaken the task, if he was not convinced that every part of the speech which had been just read, was perfectly unexceptionable; and therefore he was confident that an address in reply to it, would meet with the unanimous approbation of gentlemen of every description within those walls. The Speech, he observed, recapitulated the principal political events that had taken place during the recess of parliament. The definitive treaties of peace, between the court of Great Britain and those of France and Spain, and the United States of America, had been happily concluded; by which the seal was put to the pacification that had freed this country from a calamitous and expensive war. Though these treaties were, in substance, the same as the preliminary articles of peace, still there were some differences, which, though not of a very important nature, were nevertheless beneficial to the country, and marked the attention of his

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Majesty's ministers to the interests even of individuals, as well as of the public; stipulations were made in the definitive treaty with France, in favour of the British subjects who held lands, &c. in the ceded island of Tobago, whose interests seemed to have been overlooked in the preliminary articles; and the gum trade, of so much consequence to the nation, was much more satisfactorily secured than it was by the preliminary treaty. He did not mean, in mentioning these circumstances, to cast any reflection on the late administration; his object was only to shew that the present ministers attended even to the most minute interests of this country. The Speech recommended to the serious attention of the House, the present state of affairs in India; this was surely an object well worth the consideration of parliament: our possessions in the East were now become the brightest and most valuable gem in the British diadem, and consequently they ought to be the objects of the greatest care. How they became the property of England, would astonish the world; that a company of merchants should conquer the greatest and most valuable part of the Mogul empire, was an event in itself so extraordinary, that it stood unparalleled in the annals of the world. The wisdom of parliament should exert itself to secure conquests so unexpectedly acquired, and which contained resources to which this country might look with singular satisfaction. He trusted that the wisdom of that administration, who so properly brought forward the subject to the notice of parliament, would suggest such a scheme for the government of India, as would secure the advantages of these territories, and restore our name to its former brilliancy in the East. The Speech touched upon the state of public credit, and of the revenue; this surely was a subject, than which scarcely any could be more important, or with more propriety be recommended to the House by his Majesty. Delivered as we were from the calamities of an unfortunate war, it would well become parliament to deliberate on the means most likely to restore public credit, and maintain it. Our honour as a nation was concerned in preserving inviolate the faith pledged to the creditors of the public; and this could be best done by making such arrangements as should appear most advisable to check the growing evil of smuggling, and consequently to raise the revenue to such a degree, that should be found not only sufficient to defray all the expences of the different establishments that must necessarily be kept up, but also to produce an overplus that might be applied towards the extinction of some part of the national debt. The honour of the British nation, even in the midst of the most serious reverses of fortune, had not been sullied: the late war had been remarkably unfortunate to us; but still it served to place the British character for martial deeds in the highest point of view: no nation was ever involved in a more arduous struggle; and no nation ever maintained one with so much firmness and so much valour: the deeds achieved by British arms during this war, would be recorded in the book of fame; and while intrepidity, virtue, and patriotism should be revered among men, the names of the illustrious chiefs who had signalized themselves in the war, would never be forgotten. The consequences however of the struggle would still be felt; the deficiencies of the taxes laid on to support it, must be made good; and even now that we were at peace with all the world, we must impose fresh burdens on ourselves: the funded and unfunded debt must be provided for; the public faith was pledged; and he made no doubt but the House would heartily concur with his Majesty's wishes, in finding out means, which, while they should maintain the faith, and uphold the credit of the nation, might be as little burthensome as possible to the people. Such were the great objects of the King's speech: the address that he should have the honour to move, would pledge no man to any thing more than to agree with his Majesty in the importance of these objects, and to assure him that the House would give them the most serious consideration; the Address had no retrospect to any measures of former ministers; and it had a prospect only to such as every member must be convinced were absolutely necessary. His lordship concluded by moving the following Address:—

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty our humble thanks for your Majesty's most gracious Speech from the throne.

"Affectionately and dutifully interested

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in whatever concerns your Majesty's domestic happiness, we beg leave to offer our most sincere congratulations on the birth of another princess, and to express our unfeigned joy at the happy recovery of the queen.

"We are gratefully sensible of the paternal regard for the welfare of your people, which has induced your Majesty to conclude definitive treaties of peace with the courts of France and Spain, and the United States of America, and to ratify preliminary articles with the States-General of the United Provinces; and we beg your Majesty to accept our most humble thanks, for having graciously ordered those several treaties to be laid before us. We have great satisfaction in learning, that your Majesty has no cause to doubt but that all those powers agree in sincere inclination with your Majesty to keep the calamities of war at a great distance.

"We entertain a just sense of the importance of the objects which demand our attention; and we acknowledge, with thanks, the anxious solicitude for the public good, which has induced your Majesty to give us, thus early, an opportunity of taking them into consideration. Your faithful Commons are sensible, that the fruits of those enquiries which they have so long pursued, are now justly expected; and that the situation of the East India Company claims our utmost exertions to provide, in the most effectual manner, for the maintenance and improvement of the valuable advantages derived from our Indian possessions, and to promote and secure the happiness of the native inhabitants in those provinces.

"The season of peace will call for our attention to every thing which can recruit the strength of the nation, after so long and so expensive a war.

"We acknowledge your Majesty's paternal goodness in recommending such means of increasing and securing the public revenue, as may be least burthensome to your subjects. The frauds which have prevailed in many of its most essential parts, as well as the outrages which have been committed, are truly alarming; and we have the fullest confidence, that no exertions have been wanting to repress this daring spirit, nor pains to enquire into its true causes. In those instances in which the powers of government may not be found equal to its utmost care and vigilance, we shall use our utmost endeavours to provide such remedies as may apply to this evil, and such means as may be found wanting to the accomplishment of purposes in which our material interests are so deeply concerned.

"We beg leave to assure your Majesty, that your faithful Commons will cheerfully grant your Majesty such supplies as may be found necessary for the service of the year; acknowledging, with the utmost gratitude, your Majesty's immediate attention to the relief of your subjects, in the reduction of all the establishments to as low a state as your Majesty, in your royal wisdom, thought prudence would admit. We take a sincere part in the satisfaction which your Majesty feels in this step towards the relief of your subjects; and we have no doubt, that your people will justify your Majesty's gracious reliance on the fortitude of this nation, by willingly bearing those burthens, which are the inevitable consequences of the war, which the present exigencies require, and which are so necessary for the full support of the national credit.

"We feel that our situation is, in many respects, new; and we beg your Majesty to be assured, that we shall use our utmost diligence to provide what is called for by that situation; at the same time, to the extent of our power, giving permanence to whatever has been found beneficial by the experience of ages.

"The objects of our deliberations fully demand that temper and moderation which your Majesty so graciously recommends; and we entreat your Majesty to accept our most humble thanks for the confidence your Majesty has been pleased to express in our unanimous desire to direct all those deliberations to the honour of your Majesty's crown, the safety of your dominions, and the prosperity of your people: and we assure your Majesty, that we will use our best and utmost endeavours to demonstrate by our conduct, that a confidence so honourable to us has been well founded."

Sir *Francis Basset* seconded the motion. He said, he had very little to add to what the noble lord had said upon the subject. He congratulated the House on the happy circumstance of having the definitive treaties concluded, and upon his Majesty's assurance, that all the late belligerent powers agreed with him in the sincerity of their wishes to keep the calamities of war at a great distance. He



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enlarged on the blessings of peace; and said, that on its long continuance depended the future welfare and prosperity of the kingdom. In compliance with custom, he would make a few remarks on the Address, which was an answer to the King's Speech: first, it called upon the House to thank his Majesty for having concluded the definitive treaties; to this no one could have an objection, as the treaties were, in substance, the same as the preliminary articles, which had been signed during the last session: he said nothing of the merits or demerits of these articles; but having been once signed, the public faith was pledged, and it of course became necessary to sign definitive treaties; and the alterations the latter contained were so much for the better, that he was sure that to this part of the Address there could not be a dissentient voice. The state of India was recommended from the throne, and the House was called upon to thank his Majesty for this recommendation. He believed that the great importance of our possessions in India appeared so obviously to every member, that the House could not enter too soon upon that great business. They were become our last and best resource; and, if properly governed, might become the great support of the finances of this country. He made no doubt but his Majesty's ministers would bring forward such a system of government for that quarter of the world, as would be found productive of the most solid advantages to the state. Hitherto India had been looked upon as the place where the ambitious man could gratify his most unbounded wishes to accumulate wealth, and where the luxurious spendthrift might best repair a shattered fortune; the unfortunate inhabitants became a prey to both, and might well detest a government that could countenance such proceedings. For the safety, therefore, of these invaluable possessions, it would be necessary to pay the greatest attention to the interest and happiness of the native inhabitants; this was an object to which the Address would bind the House to turn their thoughts; and surely no man, who understood the interest of his country, and wished to promote it, would feel any objection to bind himself on such an occasion. The state of the revenue was another great object of consideration: the frauds committed by smugglers were now grown to such an enormous height, that the interposition of the legislature was become absolutely necessary. During the war, the smuggling vessels swarmed on the coast; the Humber was full of them; they carried to the enemy intelligence of the sailing and arrival of our shipping, and did us inconceivable damage. These vessels were manned principally by natives of Great Britain and Ireland: he could speak of the mischief they did, better than many other gentlemen; because, living in a maritime county, he had opportunities of being frequently a witness to the proceedings of the smugglers. He remembered that a smuggling vessel having been carried into a Cornish port during the war, he found that though she was French, there were, out of 40 hands on board, 25 men who were subjects of Great Britain. To check the progress of the growing evil of smuggling, ought to be an object near the heart of every man who wished to increase the revenue, and support public credit; and, therefore, he was sure that, to that part of the Address, there could not possibly be any opposition. The nation had just been freed from a war, which had been truly calamitous; but still its honour had been most gloriously maintained; the distinguished characters of the war would never be forgotten; the names of Rodney, and other gallant commanders, both by sea and land, whenever mentioned, must keep up the memory of British glory, nobly won in the most hazardous war in which any nation had ever been engaged. Our calamities had been great, and our expenses enormous; it would be our duty to avail ourselves, as much as possible, of the happy return of peace, to put our finances in such order, and raise public credit to such a height, as would enable us to recover our station of respectability in the scale of Europe, as a formidable nation: 'post varios casus, post tot naufragia portum;' we had, after the calamities of war, got into the haven of peace; it would be the duty of parliament to second the wishes of his Majesty, in adopting such measures as should be found most likely to preserve the credit of the nation, and maintain its faith.

Sir *Joseph Mawbey* caught hold of the 'post tot naufragia portum,' quoted by sir Francis, and took an opportunity to speak his sentiments of the coalition. He said, that if the *portum* meant the coalition, he could not thank his Majesty for bringing us into such a haven of peace, for he detested the coalition. So far from con-



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sidering the coalition a safe port or harbour for the vessel of state to ride at anchor in, he thought it the worst misfortune that could have befallen us, and that it was as dangerous a situation for the ship to rest on, as the Bishop and Clerks were found to be by the mariners, whose misfortune it had been to be shipwrecked on those rocks. Sir Joseph stated the coalition to be made up of incongruous parts; and though he admitted the situation of the kingdom to be both new and critical, and that it required all the exertions of the wisest ministers to conduct; he declared, he had little expectations of any good from an administration, one part of which had held the government of the country in their hands for twelve years together, and in that time managed it so ill, as to have brought on all that danger, disgrace, and difficulty, that was now to be got the better of. He paid many compliments to lord North; he believed him, in private life, an honest, upright, and honourable man; but as a statesman, he had ruined the country; and he could not think it decent or proper to concur with that noble lord in an address of thanks to the throne, for having concluded a ruinous war, of which the noble lord had been the author; nor could he ever bear to see the affairs of this country in the hands of the man, who had reduced the greatness and power of the British empire. He applauded the peace, and said, that if it had been last session denied to be a good one, the events of the past summer, and the low state of the funds, proved it to be not only necessary, but the only thing that could have saved the country from absolute bankruptcy and ruin. He reminded the House, that the present ministers had strongly condemned the preliminary articles last session; and observed, that it ill became them now to call upon the House to return thanks for their having concluded and signed definitive treaties, grounded upon and almost exactly the same with those preliminaries which they had so lately reprobated. He declared, that had he felt the same disapprobation of the preliminary articles expressed by the present ministers, and been in their situation, he would have refused to conclude any treaty built upon their basis.

Mr. *W. Pitt* said, that he intended to give his hearty affirmative to the Address moved by the noble lord; and as there was not one exceptionable idea expressed either in the speech or address, he was of opinion, that the unanimity so often recommended from the throne, but so seldom seen, would appear on this occasion, when he could, without any impeachment of his character for consistency, vote with every member of administration on the present question. He would not take a view of the circumstances which had happened during the recess, nor commence any captious opposition. The motion was framed in a becoming manner; it pledged the House to nothing specific on the topics which it stated, but expressed assurances of loyalty, zeal, and readiness, which gentlemen from all sides must be eager to testify to the crown. To the first part of the Address, which thanked his Majesty for concluding the definitive treaties of peace, he must necessarily give his assent; as these treaties were, according to the noble lord, in substance the same as the preliminary articles: he had therefore to congratulate his country, and at the same time to felicitate himself, and those with whom he had acted, that notwithstanding all the objections which had been stated to the preliminary treaties, the definitive treaties were avowedly little more than a transcript of them; he had, therefore, to rejoice, that by them the country had been rescued from the ruin that threatened it. He must, however, observe how singular it was, that the House should be now called upon to express their thanks for the signing of the definitive treaties, though they were in substance the same with those very preliminary articles, for the signing of which that House had, in the very last session, refused to thank the crown. The address on that occasion was substantially the same as that which was now proposed; it was then negatived; but it was now proposed to carry it: gentlemen must see that he would of course vote for it; and the vote of that day would prove the panegyric of those ministers to whom the House had on a former occasion refused their thanks. But while he was willing to vote for the address, he could not help observing, that it was to him a matter of surprise that the signing of the definitive treaties had been so long delayed; and the more so, as they contained little or nothing different from the preliminary articles. Had any thing happened to justify the delay, he should like to hear of it; but if nothing had happened that necessarily might occasion delay, he

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thought his Majesty's present ministers culpable in having so long delayed the signing of them. As to the affairs of India, no one could be more convinced than he was of the necessity of attending to them most seriously, and without a moment's loss of time. He hoped that ministers had thought maturely on that business; and that they would come to parliament with a well-digested system of government for the British possessions in that part of the world. They were considerations of such vast magnitude, that they could not be too soon gone into; they might, indeed, have been sooner settled; and he looked upon ministers to be as much pledged and bound down to bring forward a well-weighed and wisely-digested system, applicable to India, as men could possibly be. Nor would it be enough for them to attempt measures of palliation, or measures of a temporary nature, that would only effect delay, and increase the danger, by removing its distance for a short period; they must probe the matter to the bottom, and apply a new, a complete, and a proper system, deeply considered, and fully matured. There were some among them who had been clamorous in calling for such a system, and from whom a system of the sort in question would naturally be expected. He was willing to say, that they were now become the object of the greatest consideration in the empire, one only excepted; gentlemen must foresee that he meant the state of the finances of this country. Distracted by a ruinous war, from which the preliminary articles had happily freed Great Britain, the finances ought to be the primary care of his Majesty's ministers. Peace would be but of little avail to us, if the respite it afforded from hostilities and the expenses of war, was not employed in endeavours to raise the sinking credit of the nation, and prevent those frauds which make the revenue unproductive. England could never expect to recover her situation among the nations of Europe, unless her ministers, by a rigid attention to economy, should make her revenue at least equal to her expenditure; something more might be expected, a redundancy might be raised, which by being employed in extinguishing some part of the national debt, would furnish us with the means of carrying on with vigour a future war; an event, however, which he hoped was far, very far remote. He recommended ministers to act with boldness; they must not conceal from that House, much less from the nation, the state of their affairs; the amount of the funded and unfunded debt should be laid before them; they should be made acquainted with their situation; nothing should be held back or concealed; the people would then be convinced of the necessity of submitting to new burthens, and would bear them cheerfully, knowing that by no other means the public credit could be supported. Our situation was undoubtedly new in many respects, it therefore called more loudly for enquiry; nor could prosperity be expected, if the danger was shrunk from, or the true state of the nation concealed. The country was under great difficulties, it was true; but still it was neither ruined, nor its condition irretrievable, if proper, wise, and vigorous measures were proposed by ministers, and parliament had the fortitude, so well recommended in the speech from the throne, to meet the difficulties of our situation, and consent to bear such burthens cheerfully, as were absolutely necessary to support the national credit. Every part of the Speech and Address had his most cordial approbation: but he lamented that the Speech and Address were silent on one particular point, on which he might have expected to hear a great deal. Gentlemen would easily anticipate, that he meant the commercial treaty with America. During the last session of parliament, and very soon after the signing the preliminary articles, the late administration had been frequently reproached for not having been able to conclude, in a very short space of time, a treaty, which, to those who were not then in the cabinet, seemed to be a work of the greatest facility; and yet a considerable part of that session, and the whole recess had passed away, and the commercial treaty, once pronounced to be so very practicable in its nature, was not so much as mentioned in the Speech. Ministers had sent to Paris a gentleman (Mr. Hartley) of all others, as they themselves said, the best qualified to treat on commercial matters; a gentleman not a little sanguine of success in his undertakings, certainly not of a desponding turn of mind; and yet this gentleman, not much accustomed to imagine or describe any thing in a short compass, after having exerted all the inexhaustible resources of his genius, had returned from Paris, without bringing any commercial treaty with him. He also contended, that if censure lay against the administration in which he

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had borne a share, for not having mentioned the treaty of commerce in the provisional articles with America, still greater blame was imputable to the present ministers, for having signed and concluded a definitive treaty with America, without taking the least notice of it. He mentioned the confidence with which those ministers had formerly insisted on the possibility of such a treaty being speedily concluded; but said, they began to talk of this being so practicable with somewhat less confidence towards the end of the session, when the time of the operation of a Bill then in discussion, giving them power to act discretionally, was extended very considerably by the lords; and the alteration, material as it was, passed in that House, in a manner unnoticed, and, he believed, almost unknown to the majority of the members, the attendance being, on the particular day, extremely thin. However, the nation had a right to expect, that, without delay, a complete commercial system, suited to the novelty of our situation, should be laid before parliament: he was acquainted with the difficulty of the business, and would not attribute the delay hitherto to any neglect on the part of the present ministers; he was willing to ascribe it to the nature of the negociation: but he expected, however, that the business would soon be brought forward, not by piece-meal; but that one grand system of commerce, built on the circumstances of the times, should be submitted to the House for their consideration. If the measures that ministers intended to propose should meet his ideas, he would not endeavour, by an ignoble opposition, to defeat them; but would, on the contrary, give them all the support in his power.

Mr. Secretary *Fox* returned his warm thanks to the right hon. gentleman, and said, that few things could give him greater satisfaction than to find that both the Speech and Address appeared unexceptionable to him, and that they were to be honoured with his support. At the same time he could not allow that there was any ground for the triumph of the right hon. gentleman, when he exultingly observed that the present Address, to which the House were called upon to assent, was substantially the same with that to which, in February last, they gave a negative. The right hon. member wished to fasten on the present ministers the imputation of inconsistency; there was a circumstance that he had thought proper not to mention, which would make the inconsistency vanish. He (Mr. Fox) thought the preliminary articles such as the then situation of the country did not warrant; and yet he was ready to vote for this address; but why? because the signing of the preliminary articles had pledged the faith of the nation, and rendered the signing of the definitive treaties a matter not so much of choice as of necessity; and therefore as it had become necessary to conclude them, it was surely proper to thank his Majesty for having put the finishing hand to a treaty which he could not refuse to sign, without a violation of public faith. During the last session of parliament, he had declared his opinion pretty roundly about the preliminaries of peace; he then pronounced them to be less advantageous than, from the relative situation of affairs, this country had a right to expect. He still was of that opinion, and considered the preliminary articles in every point of view, as inadequate to our claims; and he begged leave to call back to the memory of the House the situation of our affairs at that time. In the East Indies, where our affairs had been said to be the most desperate, what had happened to make us rejoice that peace had been concluded? Had any Englishman looked to an engagement between the British and French fleets, in that quarter of the world, with any other apprehension, than that which every humane man feels, who repines at the prospect of an event by which much human blood must be shed, and uselessly too, after a peace is concluded? When any man said that our fleets had decreased, and our finances had been disordered, and then assigned these circumstances as reasons for concluding such a peace as the last, it was incumbent on that man to prove, that the decrease in the one, and disorder in the other, had taken place simply, and without being accompanied by similar misfortunes in the fleets and finances of the enemy; for if, when it is proved that we have suffered, it is also made manifest that the enemy has suffered in the same proportion, then the relative misfortune on our side cannot be set up as a good argument to justify the making of the late peace.

Our finances, it was true, were not in as good a state as we could wish; but in order to shew that the state of our finances pointed out the necessity of making peace to avoid a national bankruptcy, it ought

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to be proved that the treasury of the enemy was in such a state, as to set bankruptcy at defiance: he believed that the hon. gentleman would not think himself justified from any event that had happened this summer (alluding to the failure of the Caisse d'Escomte in Paris) to undertake to prove that the French treasury was in any such condition. It was therefore fair to say, that the preliminary articles did not answer the claims of the public, nor satisfy their expectations. But the right hon. gentleman's argument, that these were in fact the same, and that therefore the thanks in the present instance was an eulogium on the ministers who made the peace, was not well founded: there was a little circumstance which made a material difference in the comparison. The faith of the nation was to be taken against the situation of the country. Knowing and feeling our pretensions to better terms; incapable of accepting such as we had procured; the present ministers yet ratified the treaties. They had no alternative; and therefore it was not to be stated that the cases were parallel, or that there was any comparison between the preliminary articles and the definitive treaties.

'But,' it was said, 'the definitive treaties might have been concluded sooner, especially as there was no difference.' Certainly if there was no difference, they might have been procured sooner; but was there not great and essential difference? Were there not points obtained which more than justified, and which more than compensated for the delay of a few weeks, or even of a few months? They might have been concluded sooner perhaps; it was his opinion they might; but in this their conduct was to be judged of fairly: it must be enquired what they had gained by the delay, and what they had suffered. If they had procured certain points which were before doubtful or obscure, and that without incurring expense, certainly the delay would be approved of; and on this ground he wished the matter to be tried. If the right hon. gentleman would give himself the trouble to read and compare the preliminary and definitive treaties, he would find that the latter were not exact transcripts of the former. There were some few variations, to some of which the noble lord, who moved the address, had alluded; either of which, in his humble opinion, was well worth the delay of a few weeks, or even of a few months. If the right hon. gentleman would take the trouble to look to the 7th article in each, he would find, that by the preliminary treaty, the island of Tobago was to be ceded to France, but that no regard whatever had been paid to the protection of the Protestant and British inhabitants. Whereas, by the definitive treaty, it was evident, that care had been taken to stipulate every condition that could be asked for the protection of those, who had no longer the happiness to be the subjects of his Majesty; they were now as effectually secured as when they were so. This alone he conceived to be a matter of some moment, and worth the delay complained of. Again, if the hon. gentleman would proceed a little farther in comparing the two treaties, he will find, that by the preliminary treaty, no boundaries were ascertained for our carrying on the gum trade; whereas, by the 11th article of the definitive treaty, the boundaries were expressly laid down and described; that ambiguity and want of precision, which would have been the productive source of quarrels, was removed; and it would not be easy to dispute on the meaning of the spirit of the article, as now worded. According to the preliminary articles, the gum trade was to be carried on in the same manner in which it used to be carried on before the year 1755; that is to say, when it was carried on by violence, and constantly attended by acts of hostility, which daily afforded grounds of quarrel, that might possibly in the end bring on a war, that would defeat the right hon. member's laudable wishes for the establishment of a real sinking fund, for paying off some part of the national debt: by the care taken during the late negociation, the coast on which the gum trade might be carried on was ascertained, he hoped to the satisfaction of all the persons concerned in it; at least it was an advantage to have it ascertained. A third variation, if he carried his comparison a little farther, he would find in the 18th article, about the meaning concerning which so many doubts had been expressed in the House last session. The words 'ancient possessions' stood in the preliminary treaties as the only description of the possessions of our allies in India, without any definition as to what time the word 'ancient' referred. In the article in the definitive treaty it would be found, that the period was fixed and ascertained by the insertion of the year 1776. These three differences therefore were to be

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urged in defence of the delay in question. But there still remained a fourth, which occasioned more trouble than all the rest; and that, though the House in general might not immediately comprehend it, the right hon. gentleman would fully understand; and that was, the settling the period for the negociation of a treaty of commerce, which is now filled up in the definitive treaty with the words, "within the space of two years, to be computed from the 1st of January 1784," which fixes the period for the negociation to two years. Pending the negociation, it was reasonable to suppose the three nations would, in commercial matters, be bound by the treaty of Utrecht: and this he imagined was the sense of the British ministers. But supposing the two years should expire before the new commercial arrangements should take place, a question would naturally arise, What would, in this case, become of the treaty of Utrecht? For his part he was of opinion, that the treaty of Utrecht would, in such a case, still remain in full force; but he knew, on the other hand, that this had not been the opinion of the courts of Madrid and Versailles, the ministers of which contended, that if the negociations should end without producing any new commercial arrangements, the treaty of Utrecht would, in that case, be completely annulled: the consequence, therefore, would be this, that Great Britain would be obliged to comply with all the requisitions of these two courts, or else adopt one side of this disagreeable alternative—either to live without any commercial intercourse between France and Spain, or to go to war with them, in order to procure advantageous terms of commerce. In either case, this country must suffer: she must either consent to forego the benefits arising from the treaty of Utrecht, which had always been deemed highly beneficial; or else run the risk of losing all those blessings by a new war, which we might expect to derive from the peace. By the delay that had intervened, all these difficulties had been removed; the treaty of Utrecht, and all others between France, Spain, and this country, had been unconditionally revived and renewed; so that let the negociations for new commercial arrangements terminate as they may, England cannot be worse than she is: if the negociation should succeed, so much the better; if it should not, then she will find herself just where she is, in the full enjoyment of the benefits of the treaty of Utrecht, and this would be finally settled in two years from the 1st of January 1784. If no other advantage had been derived from the delay, he thought it was well compensated; and now that the business was concluded, he would not hesitate to say, that bound as he knew the public faith to have been by the preliminary articles, he would have concluded the definitive treaties on the basis of them, if the ministers of the other belligerent powers had not thought proper to recede from the letter of them in these several instances.

He hoped that, from all he had said, the House would not think the delay had been useless; and that they would acquit him of inconsistency in condemning the preliminary articles in the last session, and yet calling upon gentlemen to vote for an address that approved of definitive treaties that were founded upon them: it was proper now to carry into effect, what it might have been better for the nation had it never been proposed; but having once been done, there was a necessity to ratify it; and whatever the ministers, who advised the signing of the preliminary articles, might think to the contrary, he was bold to say, that from a comparison of the losses and advantages on both sides, between France and England, he was convinced that the ministers of the former power had, by making the peace when they did, rendered their country as great a service as had ever been rendered by any statesman, to any country, at the end of any war.

The right hon. member was surprised that no commercial treaty with America had been signed; but, in fact, there was no ground for surprise; the late administration had not been blamed, as the right hon. member imagined, for not having produced a commercial system to parliament; but for having, in the first instance, signed the provisional treaty, without having made any stipulations in favour of British commerce; and in the next, for not having brought forward some regulations adapted to the situation of the moment, which should hold, till a general system could be formed and adopted. For his part, he was free to own, that he might have signed the definitive treaty with America sooner if he had thought it necessary; but having all along looked upon the provisional treaty as definitive and absolute, when a particular event should happen, which had since taken place,

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namely, the peace with France, he did not think any ratification necessary. This was the language he had held in his dispatches to our negociators: but as the other powers were of opinion, that they ought not to sign the definitive treaties, until the provisional articles should have been previously ratified, he gave way, because he did not think proper to defer the signature of the definitive treaties with the other powers, until America and England could have settled the terms of a commercial treaty; and, also, because he was of opinion, that the negociation might be better carried on in London or in Philadelphia than in Paris. In the steps which they had taken, the utmost care and attention had been used to bring back to this country the minds, the affections, the commerce of America. The gentleman who was sent to Paris to negociate this treaty, was qualified for the task, as much from his extensive knowledge of the interests of the two countries, as from his character for integrity, and the love of freedom: his abilities in this negociation had been apparent, and he deserved well of his country. He adverted to the measure of giving his Majesty in council discretional powers for a limited time, in regard to the management of the commerce of the two countries. The right hon. gentleman's observations on that act certainly were not excited by any evil which had been experienced: no danger nor injury had as yet arisen from these discretional powers; but had they not been extended in duration, he must before now have come to parliament for fresh powers, as the system of commerce had not been settled.

The right hon. member wondered that the India business had been so long postponed. On this point he was ready to take shame to himself; for the state of our affairs in the East had for some time been such, that they could ill brook any delay. The right hon. gentleman had declared, that there were in the present ministry some, who had long ago been extremely clamorous for the adjustment of a system of government, applicable to the situation of our affairs in that quarter of the globe. In that some Mr. Fox acknowledged himself to be included: but important and pressing as the business of India undoubtedly was, he could very easily account for nothing systematic having yet been proposed to parliament respecting it: the rapid change of ministers for these last two years, was the reason why nothing had hitherto been done. Various committees, he observed, had been from time to time appointed by that House, and such infinite pains had been taken to investigate and enquire into the real state of our Indian territories, and such able and accurate reports had been made upon the subject, that no popular assembly could possibly be better informed than that House was, relative to Eastern events, and the situation of our affairs there; but from the mere accident of the rapidly-succeeding changes of ministry, it had been impossible to do any thing essential in the business. The secret and select committees, who had so remarkably distinguished themselves by their assiduity and ability, had both originated in the administration of the noble lord in the blue ribbon: and as a learned gentleman had been appointed chairman of the secret committee, who lived at the time in great friendship and confidence with the minister, it was not to be doubted but that the learned gentleman would have proposed something material upon the subject, if his administration had not been suddenly dissolved. The short administration of the noble marquis, whose name could not be mentioned without exciting the most lively regret in the breast of every well-wisher to his country, left no time for entering upon that business; and even the noble earl, who had been at the head of the last administration, had not time to take any effectual measures to heal the wounds which former governors had given to India. The learned gentleman to whom he alluded (Mr. Dundas) lived in as much confidence with the noble earl, as he had before done with the noble lord; and certainly, if the time had not been too short, he would have brought forward resolutions on the evidence which came before him. During their continuance in office, however, it was well known that certain resolutions, touching the recal of a governor, grounded on one of the reports of the select committee, were proposed, and agreed to by the House; that the directors of the East-India Company ordered the recal of the governor in question; that the general court of proprietors over-ruled the resolution of the court of directors; and that dispatches were made ready upon the business at the India-house; and upon being sent to the secretary of state for the home department for his inspection and concurrence, agreeable to an act of parliament, Mr. Townshend

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stopped them, and in his place stated to the House what he had done, and his reasons for so doing. In this, Mr. Townshend, in his opinion, had acted with great propriety; but all was anarchy and confusion, both in the East and in the Direction at home. What was done by the one, was undone by the other. There was no efficacy in the system of the government; and it was indispensably necessary that something should be immediately done: but as it then lay with the House to come to some resolution upon the business, the fault, certainly, was not imputable to any one of the administrations he had mentioned. With regard to that, in which he had then the honour to bear a part, they came not into office till April; May was the earliest month that he could have brought in any Bill; and when it was considered, that, although that House was well instructed in the concerns of India, the other had not had the same opportunities for information, he thought it more adviseable to delay the matter during a short recess, and to bring it on early in this session, than to precipitate a business so extremely important at the tail of the last, to put an end to which so general an impatience was expressed. To convince gentlemen, however, that it was his design to bring it forward immediately, he would take advantage of the full House that he then saw, and give notice, that on Tuesday he should make a motion relative to India.

The right hon. member had said, that with respect to the state of the nation, nothing ought to be kept back, but all ought to be submitted to the public eye; and that such burthens ought to be cheerfully submitted to, as should be found necessary to restore public credit, and raise such a revenue, as would help to extinguish some part of the national debt. He rejoiced to hear this language from the right hon. member, because he hoped, that when the state of the nation should be laid before parliament faithfully and fully, the right hon. member would support government in laying on the burthens that should be found indispensably necessary. The public faith must be preserved inviolate; and as to all the nonsense of taxing the funds, and such doctrines as had been broached by writers, not anonymous writers, indeed, but whose names lent no credit to their works, they had his execration. It was a measure which no honest minister would take, and which, if any dishonest man presumed to take, no parliament would justify or bear. Such a measure could never be adopted in such a government as ours, where public faith and public credit were the same thing. From the general terms in which the right hon. gentleman had begun to mention the national faith and the finances of the country, he said, he had been led to imagine, that he meant to propose some enquiry that would keep the subject at a distance; but the right hon. gentleman had afterwards, in a manly and open way, declared the proper remedy to be applied. It was to look the situation of the country in the face, to determine to meet the difficulty, great as it professedly was; to provide for it, be the burthen ever so grievous; and to take care that the debt, funded and unfunded, be ascertained; and neither to conceal the true state of it from the people at large, nor, what was still more unwise, to conceal it from themselves. There was a maxim laid down, in an excellent book upon the Wealth of Nations, Mr. Fox said, which had been ridiculed for its simplicity, but which was indisputable as to its truth. In that book it was stated, that the only way to become rich, was to manage matters so, as to make ones income exceed ones expenses. This maxim applied equally to an individual and to a nation. The proper line of conduct, therefore, was by a well-directed economy to retrench every current expense, and to make as large a saving, during the peace, as possible. Nor was this all; he would freely own that his wishes went much farther. He should not think a prospect of recovery was opened, and the country likely to be restored to its former greatness, unless ministers contrived some means or other to pay off a part at least of the national debt; and did something towards establishing an actual sinking fund, capable of being applied to a constant and sensible diminution of the public burthens. To such a purpose he should most studiously direct his attention; and he trusted, whatever might be the right hon. gentleman's private opinion upon politics, the right hon. gentleman would lend his support to make a strong government, by which he meant not a strong administration, for the thing was the same, let who would be ministers. In order to effect, however, this great, this desirable end, the dread of unpopularity must be surmounted, and the ministry who flinched from the business upon so narrow-minded

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a principle, would not deserve support. The great difficulty lay in drawing the line, and distinguishing how far the public, in time of peace, could bear to be additionally burthened, or how far it was prudent for ministers to go. It might be contended, that the people ought not to be so far pressed, as to deprive them of all elasticity and vigour in case of the chance of another war. This argument had its weight to a certain degree; but he should think it better policy to make them temporary than lingering sufferers. If that House would but have the fortitude to lay aside local prejudices, and the fear of a momentary unpopularity, and would look only to the general welfare, the path to prosperity would be considerably smoothed, and the national prospect would brighten apace. Whenever the present ministry were found to shrink from their duty in this respect, he desired the House to withdraw their support; but it depended upon parliament to give execution and effect to the plans that ministers should propose. He wished, however, most earnestly to impress this idea upon the minds of the House, that strengthening the hands of government was not strengthening the present administration. It was not a matter of party, or of one side of the House against another: it was essential to the deliverance of the empire; and he was ready to declare his opinion, that though our affairs were deranged and bad, they were not desperate. He did not view them with the melancholy eye that some men were fond of considering them with, nor would he venture to propose the remedies which were suggested. The funds, he said, were unexpectedly and unreasonably low; they ought not to be as they were: but at the same time he did not indulge the illusive hope, that they would suddenly rise, and stand at a much higher price. This, however, he was convinced might be done; our expenses might be brought considerably within our revenue: and this was the prospect; the easy, simple, practicable project upon which he would rely, in preference to all the sanguine schemes, and to all the desperate remedies, which weak men in their ignorance might suggest. It was that which would give permanency and actual use to the sinking fund, which would leave it annually at the disposal of parliament, to be appropriated as the necessities might require. To obtain this durable situation, great reforms must yet be made, and much must depend on the virtue, constancy, and ability of government. If he could indulge himself with the idea, that the unanimity of this day, an unanimity which gave him the most sensible delight, was the earnest of future temper, moderation, and union;—if he could see the prospect, that the spirit of dissention was at length to give way to the necessities of the country, and that at least they were to suspend their personal animosities till the deliverance of the country was accomplished; he would, indeed, be warm in his expectations, and believe that a very few years would behold us in renovated strength and splendor. He thanked the right hon. gentleman for his conduct on that day; and professed his happiness, that the speech from the throne, and the Address in return to it, met so cordially with the approbation of gentlemen from all sides, and that the Address would be carried to the throne with unanimity.

Governor *Johnstone* gave his approbation to the Speech and Address; he approved greatly of what had fallen last from the right hon. secretary; and he believed that what had been said by him and the right hon. gentleman who spoke before him, would greatly contribute to restore public credit. He then adverted to the affairs of India: he said that the news which had lately arrived from that part of the world, might with truth be said to be the most satisfactory that had ever been brought from any country; the peace with the Mahrattas, from whom every thing had been apprehended, was ratified and completed; Tippoo Saib was driven from the Carnatic, and fifteen of his strongest forts in his own country taken from him; all this had been effected by the abilities of Mr. Hastings as a statesman, before any news of the peace in Europe had reached Bengal. The peace with the Mahrattas was of itself so difficult and so unexpected, that an hon. member of that House, who imagined it would never take place under the auspices of Mr. Hastings, having heard that it had been actually ratified, but that the Mahrattas waited for what they called a fortunate day, on which the ratifications should be exchanged, had often asked him when the fortunate day would come, as if he meant that it would never arrive. "I asked him," said the governor, "what he would say and think of Mr. Hastings, if that fortunate day should arrive, and that it should be found that nothing but



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that circumstance had delayed the exchange of the ratification?" "I will then," replied the member, "think Mr. Hastings deserving of every mark of respect that this country could shew him." He hoped, therefore, that as the hon. member must now be fully convinced that the fortunate day had actually arrived, and that the ratification was exchanged, he would himself move the thanks of the House to Mr. Hastings. He denied that our territorial acquisitions in India had been made by a mere company of merchants, bent on the extension of mercantile objects only, to the surprise and almost beyond the belief of those now living, and undoubtedly in a manner so wonderful, as to exceed the possible credibility of posterity, as the noble lord, who moved the address, had declared. He admitted, that in the system pursued by that company to obtain their acquisitions, and afterwards to govern them, there might be something that called for correction; but he cautioned ministers against the gross error of rejecting the whole of their system as absurd. He reminded them, that those who obtained the acquisitions, and had held them so long, could not have acted with unremitted blunders in their conduct; and bade them recollect the fate of America, which had begun to estrange itself from a connection with Great Britain, only when we began to think the government of the colonies wholly wrong, had proceeded to violate their charters, and to force them to submit to a system of governing never before practised. The governor said farther, that men of the greatest abilities could not judge of the fittest mode of governing India by intuition; that men of experience in the affairs of that country must be advised with, and that therefore he hoped his Majesty's ministers would not proceed to enforce a plan of their own, without consultation with those who were best able to inform them, what system was most applicable to India, and what was most otherwise. He expected that some notice would have been taken of the governor of Bengal, or at least of the great and desirable events in India—something of congratulation on the accomplishment of the peace he looked for in the Speech from the throne, and he trusted the House would, at a proper time, remedy the defect, by voting their thanks to Mr. Hastings.

Mr. *T. Pitt* made a short speech; the chief aim of which was to prove, that the Address of the day was exactly similar to that he had himself moved in the course of the last session, and which had been negatived by the House. He also contended, that there was an essential difference between preliminary articles of peace and definitive treaties; and consequently, that concluding the latter in such a form as nearly to correspond with the former, was a tacit, but a strong corroboration of the wisdom and propriety upon which the preliminary treaties rested. He also took some notice of what Mr. Fox had said relative to India, and declared, he should next Tuesday expect to hear a system of government well weighed, and deliberately considered, proposed by his Majesty's ministers, such as had nothing merely palliative or applicable to temporary purposes only in its composition.

General *Smith* said, he could not sit still, and hear opinions delivered upon particular subjects, from which he differed, without declaring that he did so. An hon. gentleman had expressed his surprise, that his Majesty's ministers had said nothing in praise of the person principally concerned in concluding the Mahratta war; whenever the subject came properly before the House, he should state his reasons, why he thought that person entitled to no particular praise.

The Address was then agreed to *nem. con.*

*The King's Answer to the Commons' Address.*] To the Address of the Commons, his Majesty returned this Answer:

"Gentlemen;

"I thank you for this very dutiful and affectionate Address, and for the fresh mark you give of your attachment to me and my family, in your congratulations on the happy recovery of the queen, and the birth of another princess. I receive, with the utmost satisfaction, your assurances of promoting such measures as may tend to the support of the national credit, and to the welfare of my people; and I consider the unanimity with which they are offered as a happy earnest of the success of your endeavours."

COPIES OF THE PRELIMINARY ARTICLES OF PEACE BETWEEN GREAT BRITAIN AND HOLLAND; AND OF THE DEFINITIVE TREATIES WITH FRANCE, SPAIN, AND AMERICA.] Dec. 14. Mr. Secretary Fox presented to the House,

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by his Majesty's command: 1. Copy of the preliminary articles of peace between his Britannic Majesty and the States-General of the United Provinces, signed at Paris the 2d of September, 1783; and translation: 2. Copy of the definitve treaty of peace and friendship between his Britannic Majesty and the most Christian King, signed at Versailles the 3d of September, 1783; and translation: 3. Copy of the definitive treaty of peace and friendship between his Britannic Majesty and the King of Spain, signed at Versailles the 3d of September, 1783; and translation: and also, Copy of the definitive treaty of peace and friendship between his Britannic Majesty and the United States of America, signed at Paris the 3d of September, 1783. The translations thereof, and the copy of the said definitive treaty of peace with the United States of America, are as followeth:—

TRANSLATION of the Preliminary Articles of Peace, between his Britannic Majesty and the States-General of the United Provinces. Signed at Paris the 2d of September, 1783.

In the name of the most holy Trinity.

The King of Great Britain, and the States-General of the United Provinces, animated with an equal desire to put an end to the calamities of war, have already authorized their respective ministers plenipotentiary to sign mutual declarations for a suspension of arms; and being willing to re-establish union and good understanding between the two nations, as necessary for the benefit of humanity in general, as for that of their respective dominions and subjects, have named for this purpose; to wit, on the part of his Britannic Majesty, the most illustrious and most excellent lord George duke and earl of Manchester, viscount Mandeville, baron of Kimbolton, &c. his ambassador extraordinary and plenipotentiary to his most Christian Majesty; and on the part of their high Mightinesses the said States-General, the most excellent lords Mathew Lestevenon de Berkenroode, and Gerard Brantsen, respectively their ambassador, and ambassador extraordinary and plenipotentiaries: who, after having duly communicated their full powers in good form, have agreed upon the following preliminary articles.—

Art. 1. As soon as the preliminaries shall be signed and ratified, sincere and constant friendship shall be re-established between his Britannic Majesty, his kingdoms, dominions, and subjects, and their high Mightinesses the States-General of the United Provinces, their dominions, and subjects, of what quality or condition soever they be, without exception either of places or persons; so that the high contracting parties shall give the greatest attention to the maintaining between themselves, and their said dominions and subjects, this reciprocal friendship and intercourse, without permitting hereafter, on either part, any kind of hostilities to be committed, either by sea or by land, for any cause or under any pretence whatsoever: and they shall carefully avoid, for the future, every thing which might prejudice the union happily re-established; endeavouring, on the contrary, to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage; without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high contracting parties. There shall be a general oblivion of every thing which may have been done or committed, before or since the commencement of the war which is just ended.

Art. 2. With respect to the honours of the flag, and the salute at sea, by the ships of the republic towards those of his Britannic Majesty, the same custom shall be respectively followed, as was practised before the commencement of the war which is just concluded.

Art. 3. All prisoners taken on either side, as well by land as by sea, and the hostages carried away or given during the war, and to this day, shall be restored, without ransom, in six weeks at latest, to be computed from the day of the exchange of the ratifications of these preliminary articles; each power respectively discharging the advances which shall have been made, for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to the receipts, attested accounts, and other authentic vouchers, which shall be furnished on each side: and sureties shall be reciprocally given for the payment of the debts which the prisoners may have contracted in the countries where they may have been detained until their entire release. And all ships, as well men of war as merchant ships, which may have been taken

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since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored, *bonâ fide*, with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this preliminary treaty.

Art. 4. The States-General of the United Provinces cede and guarantee, in full right, to his Britannic Majesty, the town of Negapatnam, with the dependencies thereof; but in consideration of the importance which the States-General of the United Provinces annex to the possession of the aforesaid town, the King of Great Britain, as a proof of his good-will towards the said States, promises, notwithstanding this cession, to receive and treat with them for the restitution of the said town, in case the States shall hereafter have an equivalent to offer him.

Art. 5. The King of Great Britain shall restore to the States-General of the United Provinces, Trinquemale, as also all the other towns, forts, harbours, and settlements, which, in the course of the present war, have been conquered, in any part of the world whatever, by the arms of his Britannic Majesty, or by those of the English East India Company, and of which he might be in possession; the whole in the condition in which they shall be found.

Art. 6. The States-General of the United Provinces promise and engage not to obstruct the navigation of the British subjects in the Eastern seas.

Art. 7. Whereas differences have arisen between the English African Company, and the Dutch West India Company, relative to the navigation on the coasts of Africa, as also on the subject of cape Apollonia; for preventing all cause of complaint between the subjects of the two nations upon those coasts, it is agreed that commissaries shall be named on each side, to make suitable arrangements on these points.

Art. 8. All the countries and territories which may have been, or which may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, as well as by those of the States-General, which are not included in the present treaty, neither under the head of cessions, nor under the heads of restitutions, shall be restored without difficulty, and without requiring any compensation.

Art. 9. As it is necessary to appoint a certain period for the restitutions and evacuations to be made, it is agreed that the King of Great Britain shall cause Trinquemale to be evacuated, as well as all the towns, forts, and territories which have been taken by his arms, and of which he may be in possession, excepting what is ceded to his Britannic Majesty by these articles, at the same periods as the restitutions and evacuations shall be made between Great Britain and France. The States-General shall restore at the same period the towns and territories which their arms may have taken from the English in the East Indies. In consequence of which, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of these preliminary articles.

Art. 10. His Britannic Majesty, and their high Mightinesses the aforesaid States-General, promise to observe sincerely, and *bonâ fide*, all the articles contained and established in this present preliminary treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects: and the said high contracting parties guarantee to each other, generally and reciprocally, all the stipulations of the present articles.

Art. 11. The ratifications of the present preliminary articles, prepared in good and due form, shall be exchanged in this city of Paris, between the high contracting parties, in the space of one month, or sooner, if it can be done, to be computed from the day of the signature of the present articles.

In witness whereof, we the underwritten, their ambassadors and plenipotentiaries, have signed with our hands, in their names, and by virtue of our full powers, the present preliminary articles, and have caused the seals of our arms to be affixed thereto. Done at Paris, the 2d day of September, 1783.

LESTEVENON VAN BERKENROODE. (L. S.)
BRANTSEN. (L. S.)
MANCHESTER. (L. S.)

TRANSLATION of the Definitive Treaty of Peace and Friendship, between his Britannic Majesty and the most Christian King. Signed at Versailles, the 3d of September, 1783.

In the name of the most holy and

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undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those whom it shall or may in any manner concern. The most serene and most potent prince George the 3d, by the grace of God, King of Great Britain, France, and Ireland, duke of Brunswick and Lunenburgh, arch-treasurer and elector of the holy Roman empire, &c. and the most serene and most potent prince Louis the 16th, by the grace of God, most Christian King, being equally desirous to put an end to the war, which for several years past afflicted their respective dominions, accepted the offer, which their Majesties the Emperor of the Romans, and the Empress of all the Russias, made to them, of their interposition, and of their mediation: but their Britannic and most Christian Majesties, animated with a mutual desire of accelerating the re-establishment of peace, communicated to each other their laudable intention; which Heaven so far blessed, that they proceeded to lay the foundations of peace, by signing preliminary articles at Versailles, the 20th of January, in the present year. Their said Majesties the King of Great Britain, and the most Christian King, thinking it incumbent upon them to give their Imperial Majesties a signal proof of their gratitude for the generous offer of their mediation, invited them, in concert, to concur in the completion of the great and salutary work of peace, by taking part, as mediators, in the definitive treaty to be concluded between their Britannic and most Christian Majesties. Their said Imperial Majesties having readily accepted that invitation, they have named, as their representatives, viz. his Majesty the Emperor of the Romans, the most illustrious and most excellent lord Florimond, count Mercy-Argenteau, viscount of Loo, baron of Crichegnée, knight of the golden fleece, chamberlain, actual privy councillor of state to his Imperial and royal Apostolic Majesty, and his ambassador to his most Christian Majesty; and her Majesty the Empress of all the Russias, the most illustrious and most excellent lord, prince Iwan Bariatinskoy, lieutenant-general of the forces of her Imperial Majesty of all the Russias, knight of the orders of St. Anne, and of the Swedish sword, and her minister plenipotentiary to his most Christian Majesty, and the lord Arcadi de Marcoff, councillor of state to her Imperial Majesty of all the Russias, and her minister plenipotentiary to his most Christian Majesty. In consequence, their said Majesties the King of Great Britain, and the most Christian King, have named and constituted for their plenipotentiaries, charged with the concluding and signing of the definitive treaty of peace, viz. the King of Great Britain, the most illustrious and most excellent lord George, duke and earl of Manchester, viscount Mandeville, baron of Kimbolton, lord-lieutenant and custos rotulorum of the county of Huntingdon, actual privy councillor to his Britannic Majesty, and his ambassador extraordinary and plenipotentiary to his most Christian Majesty; and the most Christian King, the most illustrious and most excellent lord Charles Gravier, count de Vergennes, baron of Welferding, &c. the King's councillor in all his councils, commander in his orders, president of the royal council of finances, councillor of state military, minister and secretary of state, and of his commands and finances: who, after having exchanged their respective full powers, have agreed upon the following articles.—

Art. 1. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established between their Britannic and most Christian Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception either of places or persons; so that the high contracting parties shall give the greatest attention to the maintaining between themselves, and their said dominions and subjects, this reciprocal friendship and intercourse, without permitting hereafter, on either part, any kind of hostilities to be committed, either by sea or by land, for any cause or under any pretence whatsoever: and they shall carefully avoid, for the future, every thing which might prejudice the union happily re-established; endeavouring, on the contrary, to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage; without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high contracting parties. There shall be a general oblivion and amnesty of every thing which may have been done or committed, before or since the commencement of the war which is just ended.

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Art. 2. The treaties of Westphalia of 1648; the treaties of peace of Nimeguen of 1678, and 1679; of Ryswick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; that of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the treaty of peace of Vienna of 1738; the definitive treaty of Aix-la-Chapelle of 1748; and that of Paris of 1763; serve as a basis and foundation to the peace, and to the present treaty; and for this purpose, they are all renewed and confirmed in the best form, as well as all the treaties in general which subsisted between the high contracting parties before the war, as if they were herein inserted word for word; so that they are to be exactly observed for the future in their full tenor, and religiously executed by both parties, in all the points which shall not be derogated from by the present treaty of peace.

Art. 3. All the prisoners taken on either side, as well by land as by sea, and the hostages carried away or given during the war, and to this day, shall be restored, without ransom, in six weeks at latest, to be computed from the day of the exchange of the ratifications of the present treaty; each crown respectively discharging the advances which shall have been made, for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic vouchers, which shall be furnished on each side: and sureties shall be reciprocally given for the payment of the debts which the prisoners may have contracted in the countries where they may have been detained, until their entire release. And all ships, as well men of war as merchant ships, which may have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored, *bonâ fide*, with all their crews and cargoes. And the execution of this Article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

Art. 4. His Majesty the king of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the 13th Article of the treaty of Utrecht; excepting the islands of St. Pierre and Miquelon, which are ceded in full right, by the present treaty, to his most Christian Majesty.

Art. 5. His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the treaty of Utrecht, from cape Bonavista to cape St. John, situated in the eastern coast of Newfoundland, in 50 degrees north latitude; and his Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of his most Christian Majesty, beginning at the said cape St. John, passing to the north, and descending by the western coast of the island of Newfoundland, shall extend to the place called cape Raye, situated in 47 degrees, 50 minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the treaty of Utrecht.

Art. 6. With regard to the fishery in the gulph of St. Laurence, the French shall continue to exercise it conformably to the 5th article of the treaty of Paris.

Art. 7. The King of Great Britain restores to France the island of St. Lucia, in the condition it was in when it was conquered by the British arms: and his Britannic Majesty cedes and guarantees to his most Christian Majesty the island of Tobago. The Protestant inhabitants of the said island, as well as those of the same religion who shall have settled at St. Lucia whilst that island was occupied by the British arms, shall not be molested in the exercise of their worship: and the British inhabitants, or others who may have been subjects of the King of Great Britain in the aforesaid islands, shall retain their possessions upon the same titles and conditions by which they have acquired them; or else they may retire in full security and liberty where they shall think fit, and shall have the power of selling their estates, provided it be to subjects of his most Christian Majesty, and of removing their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or of criminal prosecutions. The term limited for this emigration is fixed to the space of 18 months, to be computed from the day of the exchange of the ratifications of the present treaty. And for the better securing the possessions of the inhabitants of the aforesaid island of To-

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bago, the most Christian King shall issue letters patent, containing an abolition of the Droit d'Aubaine in the said island.

Art. 8. The most Christian King restores to Great Britain the islands of Grenada, and the Grenadines, St. Vincent's, Dominica, St. Christopher's, Nevis, and Montserrat; and the fortresses of these islands shall be delivered up in the condition they were in when the conquest of them was made. The same stipulations inserted in the preceding article shall take place in favour of the French subjects, with respect to the islands enumerated in the present article.

Art. 9. The King of Great Britain cedes, in full right, and guarantees to his most Christian Majesty, the river Senegal, and its dependencies, with the forts of St. Louis, Podor, Galam, Arguin, and Portendic; and his Britannic Majesty restores to France the island of Gorée, which shall be delivered up in the condition it was in when the conquest of it was made.

Art. 10. The most Christian King on his part guarantees to the King of Great Britain the possession of Fort James, and of the river Gambia.

Art. 11. For preventing all discussion in that part of the world, the two high contracting parties shall, within three months after the exchange of the ratifications of the present treaty, name commissaries, who shall be charged with the settling and fixing of the boundaries of the respective possessions. As to the gum trade, the English shall have the liberty of carrying it on, from the mouth of the river St. John, to the bay and fort of Portendic inclusively: provided that they shall not form any permanent settlement, of what nature soever, in the said river St. John, upon the coast, or in the bay of Portendic.

Art. 12. As to the residue of the coast of Africa, the English and French subjects shall continue to resort thereto, according to the usage which has hitherto prevailed.

Art. 13. The King of Great Britain restores to his most Christian Majesty all the settlements which belonged to him at the beginning of the present war, upon the coast of Orixa, and in Bengal, with liberty to surround Chandernagore with a ditch for carrying off the waters: and his Britannic Majesty engages to take such measures as shall be in his power for securing to the subjects of France in that part of India, as well as on the coasts of Orixa, Coromandel, and Malabar, a safe, free, and independent trade, such as was carried on by the French East India Company, whether they exercise it individually, or united in a Company.

Art. 14. Pondicherry shall be in like manner delivered up and guaranteed to France, as also Karakil: and his Britannic Majesty shall procure, for an additional dependency to Pondicherry, the two districts of Valanour and Bahour; and to Karakil, the four magans bordering thereupon.

Art. 15. France shall re-enter into the possession of Mahé, as well as of its factory at Surat; and the French shall carry on their trade, in this part of India, conformably to the principles established in the 13th article of this treaty.

Art. 16. Orders having been sent to India by the high contracting parties, in pursuance of the 16th article of the preliminaries, it is further agreed, that if, within the term of four months, the respective allies of their Britannic and most Christian Majesties shall not have acceded to the present pacification, or concluded a separate accommodation, their said Majesties shall not give them any assistance, directly or indirectly, against the British or French possessions, or against the ancient possessions of their respective allies, such as they were in the year 1776.

Art. 17. The King of Great Britain, being desirous to give to his most Christian Majesty a sincere proof of reconciliation and friendship, and to contribute to render solid the peace re-established between their said Majesties, consents to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of peace concluded at Utrecht in 1713, inclusive, to this day.

Art. 18. Immediately after the exchange of the ratifications, the two high contracting parties shall name commissaries to treat concerning new arrangements of commerce between the two nations, on the basis of reciprocity and mutual convenience; which arrangements shall be settled and concluded within the space of two years, to be computed from the 1st of January, 1784.

Art. 19. All the countries and territories which may have been, or which may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, as well as by those of his most Christian Majesty, which are not included in the present treaty, neither under the



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head of cessions nor under the head of restitutions, shall be restored without difficulty, and without requiring any compensation.

Art. 20. As it is necessary to appoint a certain period for the restitutions and evacuations to be made by each of the high contracting parties, it is agreed that the King of Great Britain shall cause to be evacuated the islands of St. Pierre and Miquelon, three months after the ratification of the present treaty, or sooner, if it can be done; St. Lucia (one of the Charibée islands) and Gorée in Africa, 3 months after the ratification of the present treaty, or sooner, if it can be done. The King of Great Britain shall in like manner, at the end of three months after the ratification of the present treaty, or sooner, if it can be done, enter again into the possession of the islands of Grenada, the Grenadines, St. Vincent's, Dominica, St. Christopher's, Nevis, and Montserrat. France shall be put in possession of the towns and factories which are restored to her in the East Indies, and of the territories which are procured for her, to serve as additional dependencies to Pondicherry, and to Karikal, six months after the ratification of the present treaty, or sooner, if it can be done. France shall deliver up, at the end of the like term of six months, the towns and territories which her arms may have taken from the English, or their allies, in the East Indies. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the present treaty.

Art. 21. The decision of the prizes and seizures made prior to the hostilities shall be referred to the respective courts of justice; so that the legality of the said prizes and seizures shall be decided according to the law of nations, and to treaties, in the courts of justice of the nation which shall have made the capture or ordered the seizures.

Art. 22. For preventing the revival of the law-suits which have been ended in the islands conquered by either of the high contracting parties, it is agreed that the judgments pronounced in the last resort, and which have acquired the force of matters determined, shall be confirmed and executed according to their form and tenor.

Art. 23. Their Britannic and most Christian Majesties promise to observe sincerely, and *bonâ fide*, all the articles contained and established in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties guarantee to each other, generally and reciprocally, all the stipulations of the present treaty.

Art. 24. The solemn ratifications of the present treaty, prepared in good and due form, shall be exchanged in this city of Versailles, between the high contracting parties, in the space of a month, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the underwritten ambassador extraordinary, and ministers plenipotentiary, have signed with our hands, in their names, and in virtue of our respective full powers, the present definitive treaty, and have caused the seals of our arms to be affixed thereto. Done at Versailles, the 3d day of September, 1783.

(L. S.) MANCHESTER,
(L. S.) GRAVIER DE VERGENNES.

SEPARATE ARTICLES.

I. Some of the titles made use of by the contracting parties, whether in the full powers, and other instruments, during the course of the negociation, or in the preamble of the present treaty, not being generally acknowledged, it has been agreed that no prejudice should ever result therefrom to either of the said contracting parties; and that the titles taken or omitted on either side, upon occasion of the said negociation, and of the present treaty, shall not be cited or quoted as a precedent.

II. It has been agreed and determined, that the French language, made use of in all the copies of the present treaty, shall not form an example which may be alledged or quoted as a precedent, or in any manner prejudice either of the contracting powers; and that they shall conform, for the future, to what has been observed, and ought to be observed, with regard to and on the part of powers, who are in the practice and possession of giving and receiving copies of like treaties in a different language from the French; the present treaty having, nevertheless, the same force and virtue, as if the aforesaid practice had been therein observed.

In witness whereof, we the underwritten ambassador extraordinary, and ministers plenipotentiary of their Britannic and most Christian Majesties, have signed

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the present separate articles, and have caused the seals of our arms to be affixed thereto. Done at Versailles, the 3rd of September, 1783.

GRAVIER DE VERGENNES, (L. S.)
MANCHESTER, (L. S.)

DECLARATION.

The King having entirely agreed with his most Christian Majesty upon the articles of the definitive treaty, will seek every means which shall not only ensure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting, in any manner, by their competition, the fishery of the French, during the temporary exercise of it, which is granted to them, upon the coasts of the island of Newfoundland; and he will, for this purpose, cause the fixed settlements which shall be formed there, to be removed. His Britannic Majesty will give orders, that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

The 13th article of the treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen only building their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of his Britannic Majesty, on their part, not molesting, in any manner, the French fishermen during their fishing, nor injuring their scaffolds during their absence.

The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said islands and that of Newfoundland, shall be limited to the middle of the channel.

With regard to India, Great Britain having granted to France every thing that can ascertain and confirm the trade which the latter requires to carry on there, his Majesty relies with confidence on the repeated assurances of the court of Versailles, that the power of surrounding Chandernagore with a ditch for carrying off the waters, shall not be exercised in such a manner as to make it become an object of umbrage.

The new state in which commerce may perhaps be found in all parts of the world, will demand revisions and explanations of the subsisting treaties; but an entire abrogation of those treaties, in whatever period it might be, would throw commerce into such confusion, as would be of infinite prejudice to it.

In some of the treaties of this sort, there are not only articles which relate merely to commerce, but many others which ensure reciprocally to the respective subjects, privileges, facilities for conducting their affairs, personal protections, and other advantages, which are not, and which ought not to be of a changeable nature; such as the regulations relating merely to the value of goods and merchandize, variable from circumstances of every kind.

When, therefore, the state of the trade between the two nations shall be treated upon, it is requisite to be understood, that the alterations which may be made in the subsisting treaties, are to extend only to arrangements merely commercial; and that the privileges and advantages, mutual and particular, be not only preserved on each side, but even augmented, if it can be done.

In this view, his Majesty has consented to the appointment of commissaries on each side, who shall treat solely upon this object.

In witness whereof, we his Britannic Majesty's ambassador extraordinary, and minister plenipotentiary, being thereto duly authorized, have signed the present declaration, and caused the seal of our arms to be set thereto. Given at Versailles the 3rd of September, 1783.

(L. S.) MANCHESTER.

COUNTER-DECLARATION.

The principles which have guided the King in the whole course of the negociations which preceded the re-establishment of peace, must have convinced the King of Great Britain, that his Majesty has had



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no other design than to render it solid and lasting, by preventing as much as possible in the four quarters of the world, every subject of discussion and quarrel. The King of Great Britain undoubtedly places too much confidence in the uprightness of his Majesty's intentions, not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

As to the fishery upon the coasts of Newfoundland, which has been the object of the new arrangements settled by the two sovereigns upon this matter, it is sufficiently ascertained by the 5th article of the treaty of peace signed this day, and by the declaration likewise delivered today by his Britannic Majesty's ambassador extraordinary and plenipotentiary; and his Majesty declares, that he is fully satisfied on this head.

In regard to the fishery between the island of Newfoundland, and those of Miquelon and St. Pierre, it is not to be carried on by either party, but to the middle of the Channel; and his Majesty will give the most positive orders, that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.

The King's desire to maintain the peace comprehends India as well as the other parts of the world; his Britannic Majesty may therefore be assured, that his Majesty will never permit that an object so inoffensive, and so harmless, as the ditch with which Chandernagore is to be surrounded, should give any umbrage to the court of London.

The King, in proposing new arrangements of commerce, had no other design than to remedy, by the rules of reciprocity and mutual convenience, whatever may be defective in the treaty of commerce signed at Utretcht, in 1713. The King of Great Britain may judge from thence, that his Majesty's intention is not in any wise to cancel all the stipulations in the abovementioned treaty; he declares, on the contrary, from henceforth, that he is disposed to maintain all the privileges, facilities, and advantages expressed in that treaty, as far as they shall be reciprocal, or compensated by equivalent advantages. It is to attain this end, desired on each side, that commissaries are to be appointed to treat upon the state of the trade between the two nations, and that a considerable space of time is to be allowed for completing their work. His Majesty hopes that this object will be pursued with the same good faith, and the same spirit of conciliation, which presided over the discussion of all the other points comprised in the definitive treaty; and his said Majesty is firmly persuaded, that the respective commissaries will employ the utmost diligence for the completion of this important work.

In witness whereof, we the underwritten minister plenipotentiary of his most Christian Majesty, being thereto duly authorized, have signed this counter-declaration, and have caused the seal of our arms to be affixed thereto. Given at Versailles the 3rd of September, 1783.

(L. S.) GRAVIER DE VERGENNES.

We, ambassador plenipotentiary of his Imperial and Royal Apostolic Majesty, having acted as a mediator in the work of pacification, declare that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his most Christian Majesty, with the two separate articles thereto annexed, and of which they form a part; as also with all the clauses, conditions, and stipulations, which are therein contained, was concluded by the mediation of his Imperial and Royal Apostolic Majesty.

In witness whereof, we have signed these presents with our hand, and have caused the seal of our arms to be affixed thereto. Done at Versailles the 3rd of September, 1783.

Le Comte de MERCY ARGENTEAU.

We, ministers plenipotentiary of her Imperial Majesty of all the Russias, having acted as mediators in the work of pacification, declare that the treaty of peace, signed this day at Versailles, between his Britannic Majesty and his most Christian Majesty, with the two separate articles thereto annexed, and of which they form a part; as also with all the clauses, conditions, and stipulations, which are therein contained, was concluded by the mediation of her Imperial Majesty of all the Russias.

In witness whereof, we have signed these presents with our hands, and have caused the seals of our arms to be affixed thereto. Done at Versailles the 3rd of September, 1783.

(L. S.) Prince IWAN BARIATINSKOY.
(L. S.) A. MARCOFF.

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TRANSLATION of the Definitive Treaty of Peace and Friendship between his Britannic Majesty, and the King of Spain. Signed at Versailles the 3rd day of September, 1783.

In the name of the most holy and undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those whom it shall or may in any manner concern. The most serene and most potent prince George the 3rd, by the grace of God, King of Great Britain, France, and Ireland, duke of Brunswick and Lunenburgh, arch-treasurer and elector of the holy Roman empire, &c., and the most serene and most potent prince Charles the 3rd, by the grace of God, King of Spain and of the Indies, &c., being equally desirous to put an end to the war, which for several years past afflicted their respective dominions, accepted the offer which their Majesties, the Emperor of the Romans, and the Empress of all the Russias, made to them of their interposition and of their mediation: but their Britannic and Catholic Majesties, animated with a mutual desire of accelerating the re-establishment of peace, communicated to each other their laudable intention; which Heaven so far blessed, that they proceeded to lay the foundations of peace, by signing preliminary articles at Versailles, the 20th of January, in the present year Their said Majesties, the King of Great Britain and the Catholic King, thinking it incumbent upon them to give their Imperial Majesties a signal proof of their gratitude for the generous offer of their mediation, invited them in concert to concur in the completion of the great and salutary work of peace, by taking part, as mediators, in the definitive treaty to be concluded between their Britannic and Catholic Majesties. Their said Imperial Majesties having readily accepted that invitation, they have named as their representatives; viz. his Majesty the Emperor of the Romans, the most illustrious and most excellent lord Florimond, count Mercy Argenteau, viscount of Loo, baron of Crichegnée, knight of the Golden Fleece, chamberlain, actual privy councillor of state to his Imperial and Royal Apostolic Majesty, and his ambassador to his most Christian Majesty; and her Majesty the Empress of all the Russias, the most illustrious and most excellent lord prince Iwan Bariatinskoy, lieutenant-general of the forces of her Imperial Majesty of all the Russias, knight of the orders of St. Anne and of the Swedish Sword, and her minister plenipotentiary to his most Christian Majesty, and the lord Arcadi de Marcoff, councillor of state to her Imperial Majesty of all the Russias, and her minister plenipotentiary to his most Christian Majesty. In consequence, their said Majesties, the King of Great Britain and the most Christian King, have named and constituted for their plenipotentiaries, charged with the concluding and signing of the definitive treaty of peace; viz. the King of Great Britain, the most illustrious and most excellent lord George, duke and earl of Manchester, viscount Mandeville, baron of Kimbolton, lord lieutenant and custos rotulorum of the county of Huntingdon, actual privy councillor to his Britannic Majesty, and his ambassador extraordinary and plenipotentiary to his most Christian Majesty; and the Catholic King, the most illustrious and most excellent lord Peter Paul Abarca de Bolea Ximenes d'Urrea, &c. count of Aranda and Castel Florido, marquis of Torres, of Villanan, and Rupit, viscount of Rueda and Yock, baron of the baronies of Gavin, Sietamo, Clamosa, Eripol Trazmos, La Mata de Castil-Viejo, Antillon, La Almolda, Cortés, Jorva, St. Genis, Rabovillet, Arcau and Ste. Colome de Farnés, lord of the tenance and honour of Alcalatén, the valley of Rodellar, the castles and towns of Maella, Mesones, Tiurana, and Villa Plana, Taradel and Viladrau, &c. rico-hombre in Arragon by descent, grandee of Spain of the first class, knight of the order of the Golden Fleece, and of that of the Holy Ghost, gentleman of the King's chamber in employment, captain-general of his forces, and his ambassador to the most Christian King; who, after having exchanged their respective full powers, have agreed upon the following Articles:—

Art. 1. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established, between their Britannic and Catholic Majesties, and between the heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception, either of places or persons; so that the high contracting parties shall give the greatest attention to the maintaining between themselves and their said

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dominions and subjects, this reciprocal friendship and intercourse, without permitting hereafter, on either part, any kind of hostilities to be committed, either by sea or by land, for any cause or under any pretence whatsoever; and they shall carefully avoid, for the future, every thing which might prejudice the union happily re-established; endeavouring, on the contrary, to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage; without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high contracting parties. There shall be a general oblivion and amnesty of every thing which may have been done or committed, before or since the commencement of the war which is just ended.

Art. 2. The treaties of Westphalia of 1648; those of Madrid of 1667, and of 1670; those of the peace and of commerce of Utrecht of 1713; that of Baden of 1714; of Madrid of 1715; of Seville of 1729; the definitive treaty of Aix-la-Chapelle of 1748; the treaty of Madrid of 1750; and the definitive treaty of Paris of 1763, serve as a basis and foundation to the peace, and to the present treaty; and for this purpose, they are all renewed and confirmed, in the best form, as well as all the treaties in general which subsisted between the high contracting parties before the war, and particularly all those which are specified and renewed in the aforesaid definitive treaty of Paris, in the best form, and as if they were herein inserted word for word; so that they are to be exactly observed for the future in their full tenor, and religiously executed by both parties, in all the points which shall not be derogated from by the present treaty of peace.

Art. 3. All the prisoners taken on either side, as well by land as by sea, and the hostages carried away or given, during the war, and to this day, shall be restored, without ransom, in six weeks at latest, to be computed from the day of the exchange of the present treaty; each crown respectively discharging the advances which shall have been made for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to the receipts, attested accounts, and other authentic vouchers, which shall be furnished on each side: and sureties shall be reciprocally given for the payment of the debts which the prisoners may have contracted in the countries where they may have been detained, until their entire release. And all ships, as well men of war as merchant ships, which may have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored, *bonâ fide*, with all their crews and cargoes. And the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

Art. 4. The King of Great Britain cedes, in full right to his Catholic Majesty, the island of Minorca; provided that the same stipulations inserted in the following article shall take place in favour of the British subjects, with regard to the above-mentioned island.

Art. 5. His Britannic Majesty likewise cedes and guarantees, in full right, to his Catholic Majesty, East Florida, as also West Florida. His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of the King of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or criminal prosecutions: the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that his Britannic Majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery or other matters.

Art. 6. The intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dying, or logwood; and several English settlements having been formed and extended, under that pretence, upon the Spanish continent; it is expressly agreed, that his Britannic Majesty's subjects shall have the right of cutting, loading, and carrying away logwood, in the districts

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lying between the rivers Wallis or Bellize, and Rio Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations; to wit, by the river Wallis or Bellize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land, and forms an isthmus, or neck, with another similar inlet, which comes from the side of Rio-Nuevo or New River; so that the line of separation shall pass straight across the said isthmus, and meet another lake formed by the water of Rio-Nuevo, or New River, at its current. The said line shall continue with the course of Rio-Nuevo, descending as far as opposite to a river, the source of which is marked in the map, between Rio-Nuevo and Rio-Hondo, and which empties itself into Rio-Hondo; which river shall also serve as a common boundary as far as its junction with Rio-Hondo; and from thence descending by Rio-Hondo to the sea, as the whole is marked on the map which the plenipotentiaries of the two crowns have thought proper to make use of, for ascertaining the points agreed upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and labourers, may not trespass from an uncertainty of the boundaries. The respective commissaries shall fix upon convenient places, in the territory above marked out, in order that his Britannic Majesty's subjects, employed in the felling of logwood, may, without interruption, build therein houses and magazines necessary for themselves, their families, and their effects; and his Catholic Majesty assures to them the enjoyment of all that is expressed in the present article: provided that these stipulations shall not be considered as derogating in any wise from his rights of sovereignty. Therefore all the English, who may be dispersed in any other parts, whether on the Spanish continent, or in any of the islands whatsoever, dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described, in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose orders shall be issued on the part of his Britannic Majesty; and on that of his Catholic Majesty, his governors shall be ordered to grant to the English dispersed every convenience possible for their removing to the settlement agreed upon by the present article, or for their retiring wherever they shall think proper. It is likewise stipulated, that if any fortifications should actually have been heretofore erected within the limits marked out, his Britannic Majesty shall cause them all to be demolished; and he will order his subjects not to build any new ones. The English inhabitants, who shall settle there for the cutting of logwood, shall be permitted to enjoy a free fishery for their subsistence, on the coasts of the districts above agreed on, or of the islands situated opposite thereto, without being in any wise disturbed on that account; provided they do not establish themselves, in any manner, on the said islands.

Art. 7. His Catholic Majesty shall restore to Great Britain the islands of Providence and the Bahamas, without exception, in the same condition they were in when they were conquered by the arms of the king of Spain. The same stipulations inserted in the fifth article of this treaty shall take place in favour of the Spanish subjects, with regard to the islands mentioned in the present article.

Art. 8. All the countries and territories, which may have been or which may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, as well as by those of his Catholic Majesty, which are not included in the present treaty, neither under the head of cessions, nor under the head of restitutions, shall be restored without difficulty, and without requiring any compensation.

Art. 9. Immediately after the exchange of the ratification, the two high contracting parties shall name commissaries to treat concerning new arrangements of commerce between the two nations, on the basis of reciprocity and mutual convenience; which arrangements shall be settled and concluded within the space of two years, to be computed from the 1st of January, 1784.

Art. 10. As it is necessary to appoint a certain period for the restitutions and evacuations to be made, by each of the high contracting parties, it is agreed, that the King of Great Britain shall cause East Florida to be evacuated three months after the ratification of the present treaty, or sooner, if it can be done. The King of Great Britain shall, in like manner, enter again into possession of the islands of Providence and the Bahamas, without exception, in the space of three months

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after the ratification of the present treaty, or sooner, if it can be done. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the present treaty.

Art. 11. Their Britannic and Catholic Majesties promise to observe sincerely, and *bonâ fide*, all the articles contained and established in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects: and the said high contracting parties guarantee to each other, generally and reciprocally, all the stipulations of the present treaty.

Art. 12. The solemn ratifications of the present treaty, prepared in good and due form, shall be exchanged in this city of Versailles, between the high contracting parties, in the space of one month, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we, the underwritten ambassadors extraordinary, and ministers plenipotentiary, have signed with our hands, in their names, and by virtue of our respective full powers, the present definitive treaty, and have caused the seals of our arms to be affixed thereto.—Done at Versailles the 3rd day of September, 1783.

MANCHESTER. (L. S.)
LE COMTE D'ARANDA. (L. S.)

SEPARATE ARTICLES.

I. Some of the titles made use of by the contracting parties, whether in the full powers and other instruments, during the course of the negociation, or in the preamble of the present treaty, not being generally acknowledged, it has been agreed that no prejudice shall ever result therefrom to either of the said contracting parties; and that the titles taken or omitted, on either side, upon occasion of the said negociation, and of the present treaty, shall not be cited, or quoted as a precedent.

II. It has been agreed and determined, that the French language, made use of in all the copies of the present treaty, shall not form an example which may be alledged or quoted as a precedent, or in any manner prejudice either of the contracting powers; and that they shall conform, for the future, to what has been observed, and ought to be observed, with regard to and on the part of powers, who are in the practice and possession of giving and receiving copies of like treaties in a different language from the French; the present treaty having nevertheless the same force and virtue as if the aforesaid practice had been therein observed.

In witness whereof, we, the underwritten ambassador extraordinary, and ministers plenipotentiary, of their Britannic and Catholic Majesties, have signed the present separate articles, and have caused the seals of our arms to be affixed thereto.—Done at Versailles the 3rd of September, 1783.

LE COMTE D'ARANDA. (L. S.)
MANCHESTER. (L. S.)

DECLARATION.

The new state in which commerce may perhaps be found, in all parts of the world, will demand revisions and explanations of the subsisting treaties; but an entire abrogation of those treaties, in whatever period it might be, would throw commerce into such confusion as would be of infinite prejudice to it.

In some of the treaties of this sort there are not only articles which relate merely to commerce, but many others which ensure reciprocally to the respective subjects, privileges, facilities for conducting their affairs, personal protections, and other advantages, which are not, and which ought not to be, of a changeable nature; such as the regulations relating merely to the value of goods and merchandize, variable from circumstances of every kind.

When therefore the state of the trade between the two nations shall be treated upon, it is requisite to be understood, that the alterations which may be made in the subsisting treaties are to extend only to arrangements merely commercial; and that the privileges and advantages, mutual and particular, be not only preserved on each side, but even augmented, if it can be done. In this view, his Majesty has consented to the appointment of commissaries, on each side, who shall treat solely upon this subject.—Done at Versailles the 3rd of September, 1783.

MANCHESTER. (L. S.)

COUNTER-DECLARATION.

The Catholic King, in proposing new arrangements of commerce, has had no other design than to remedy, by the rules of reciprocity and mutual convenience, whatever may be defective in preceding treaties of commerce. The King of Great



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Britain may judge from thence, that the intention of his Catholic Majesty is not in any manner to cancel all the stipulations contained in the above-mentioned treaties; he declares, on the contrary, from henceforth, that he is disposed to maintain all the privileges, facilities, and advantages expressed in the old treaties, as far as they shall be reciprocal, or compensated by equivalent advantages. It is to attain this end, desired on each side, that commissaries are to be named to treat upon the state of trade between the two nations, and that a considerable space of time is to be allowed for completing their work. His Catholic Majesty hopes that this object will be pursued with the same good faith, and with the same spirit of conciliation, which have presided over the discussion of all other points included in the definitive treaty; and his said Majesty is equally confident, that the respective commissaries will employ the utmost diligence for the completion of this important work.—Done at Versailles the 3rd of September, 1783.

(L. S.) Le Comte D'Aranda

We, ambassador plenipotentiary of his Imperial and Royal Apostolic Majesty, having acted as mediator in the work of pacification, declare, that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his Catholic Majesty, with the two separate articles thereunto annexed, and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of his Imperial and Royal Apostolic Majesty. In witness whereof, we have signed these presents with our hand, and have caused the seal of our arms to be affixed thereto.—Done at Versailles the 3rd of September, 1783.

Le Comte de
(L. S.) Mercy Argenteau.

We, ministers plenipotentiary of her Imperial Majesty of all the Russias, having acted as mediators in the work of pacification, declare, that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his Catholic Majesty, with the two separate articles thereto annexed, and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of her Imperial Majesty of all the Russias. In witness whereof, we have signed these presents with our hands, and have caused the seals of our arms to be affixed thereto.—Done at Versailles the 3rd of September, 1783.

(L. S.) Prince Iwan Bariatinskoy
(L. S.) A. Marcoff.

Copy of the Definitive Treaty of Peace and Friendship between his Britannic Majesty and the United States of America. Signed at Paris the 3rd of September, 1783.

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the third, by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, duke of Brunswick and Lunenburgh, arch-treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th of November 1782, by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute, the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic Majesty on his part, David Hartley, esq., member of the parliament of Great Britain; and the said United States on their part, John Adams, esq., late a commissioner of the United States of America at the court of Versailles, late

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delegate in congress from the state of Massachusetts, and chief justice of the said state; and minister plenipotentiary of the said United States to their high Mightinesses the States-General of the United Netherlands; Benjamin Franklin, esq. late delegate in congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esq., late president of congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be the plenipotentiaries for the concluding and signing the present definitive treaty: who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:—

Art. 1. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

Art. 2. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries; viz. from the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north, from the source of St. Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy; thence along the middle of the said river into lake Ontario; through the middle of said lake, until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie; through the middle of said lake, until it arrives at the water-communication between that lake and lake Huron; thence along the middle of said water-communication into the lake Huron; thence through the middle of said lake to the water-communication between that lake and lake Superior; thence through lake Superior, northward of the isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude:—south, by a line to be drawn due east from the determination of the line last-mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river, and thence down along the middle of Saint Mary's river to the Atlantic ocean:—east, by a line to be drawn along the middle of the river Saint Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

Art. 3. It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the grand bank, and on all the other banks, of Newfoundland: also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland, as British fishermen shall use (but not to

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dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Art. 4. It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bonâ fide* debts heretofore contracted.

Art. 5. It is agreed, that the congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States: and that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated: and that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possesion the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage-settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Art. 6. That there shall be no future confiscations made, nor any prosecutions commenced, against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Art. 7. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other; wherefore all hostilities, both by sea and land, shall from henceforth cease: all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property, of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

Art. 8. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

Art. 9. In case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either, from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

Art. 10. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.



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In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto. Done at Paris this 3rd day of September, 1783.

*Debate in the Commons on Mr. Fox's Motion for Leave to bring in his East India Bills.*] Nov. 18. Mr. Secretary Fox rose for the purpose of introducing to the House his system for the better government of our territorial possessions and dependencies in India. He began with moving, "That an Act, made in the 13th year of the reign of his present Majesty, entituled, 'An Act for establishing 'certain regulations for the better ma-'nagement of the affairs of the East India 'Company, as well in India as in Europe:' an Act, made in the 20th year of the reign of his present Majesty, entituled, 'An Act for continuing in the possession 'of the united Company of Merchants of 'England trading to the East Indies, for 'a farther time, and under certain condi-'tions, the territorial acquisitions and 'revenues lately obtained in the East 'Indies;' and for reviving and continuing, for a farther time, so much of an Act, made in the 13th year of the reign of his present Majesty, entituled 'An Act for 'establishing certain regulations for the 'better management of the affairs of the 'East India Company, as well in India 'as in Europe, as hath expired in the 'course of the present year; and for in-'demnifying the said Company for any 'money they have paid, or may pay, in 'or about the building of three ships of 'the line for the service of the public:' the resolutions which, upon the 29th of April, 1782, were reported from the committee of the whole House, to whom it was referred to consider farther of the several reports which had been made from the committees of secrecy, relating to the affairs of the East India Company, and which were then agreed to by the House; together with the proceedings of the House thereupon:—and the resolutions which, upon the 16th of May, 1782, were reported from the said committee of the whole House, and which, upon the 28th of the same month, were agreed to by the House, together with the proceedings of the House thereupon,—might be read." And the same being read accordingly,

Mr. Secretary *Fox* rose again. He said, that in the state of responsibility in which he was going to put himself by the proposition he should have the honour to move, he felt much comfort and consolation in this circumstance, that the measure to which he should call the attention of the House was not of choice, but of necessity: it was no idle speculation on his part—the business forced itself upon him, and upon the nation; and if he even would, he could not avoid or defer the discussion of it. The deplorable situation of the East India Company was well known, and universally admitted; their extreme distress, and the embarrassed state of their affairs, not only called for the aid of government, but required its immediate assistance, as the only possible means of averting and preventing the final and complete destruction of the Company's interests; and with them, of materially injuring, if not entirely ruining, the interests of the nation, as far as they were connected with our territorial acquisitions in India. These circumstances being undeniable, arduous, and difficult in the extreme, as the task he had set himself to perform that day undoubtedly was, it was some consolation and some satisfaction to him to know, that he was merely discharging an act of indispensable duty as a minister; that there was no choice or option before him; that he was not about to obtrude any idle, visionary, or speculative projects of his own upon their notice; but was in the act of offering to the consideration of parliament the best propositions for the preservation of the India Company, and the restoration of the welfare of their concerns, that his most deliberate attention could suggest; and that he did it, for no other reason upon earth, than because the necessity that called for it was so urgent, that it pressed itself forwards irresistibly, and as a matter that would not admit of farther delay. Did any man doubt the truth of this assertion, he had only to take a retrospective view of the proceedings of that House during the last two years: the many abuses in the government of the territories under the management of the East India Company had been so severely felt, that parliament had found it necessary to institute inquiries, by which the source of the abuses complained of might be found out, and proper remedies devised, and applied to them: committees had been appointed; their researches had been pursued with uncommon industry, and their reports

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contained a body of information so complete, that, perhaps, the like had never been laid before parliament. He observed, that the two committees had been of different constitutions and complexions; that men perfectly indifferent to each other, and unconnected by any tie of politics or party, had sat upon each; that the labours of the two committees had consequently been conducted with impartiality, and that their prudence was perfectly astonishing; the magnitude of the information they had laid before the House, as well as the very great ability and precision with which it was stated, infinitely exceeding any expectations, however sanguine, that could possibly have been entertained respecting them by any description of persons either within doors or without. He pointed out the different mode of proceeding adopted by each committee, stating, that one of them (the secret committee) had not only made ample reports of the result of their inquiries, but come to certain resolutions as the necessary deductions from their reports, to which that House had agreed, and which it had in due form ratified and authorized. The other committee (the select) had pursued a different method, and perhaps not a less useful one: they had contented themselves with furnishing copious reports from time to time full of information; and had left it to the House to draw their own inferences from the premises laid down in those reports, and to act upon them as to their wisdom should seem meet. Both these committees had agreed, however, in one essential particular; each of them declaring, that the farther they proceeded in their inquiries, the more it became evident that all the distress and difficulty of the Company were ascribable to the disobedience of the orders of the court of directors, and the rapacity of the Company's servants in India. The resolutions come to by the first committee, (the secret one, which he had no other reason for calling the first committee, than that it was now at an end) carried in them principles to which he gave his most perfect acquiescence, because they appeared to him to be principles of justice, of humanity, and of sound policy; but they necessarily implied this corollary, as they in all probability ascribed the disorder in the Company's affairs to the true causes, certain specified facts stated in the resolutions; so it appeared to be incumbent upon that House to inflict punishment upon the authors of the mischief incurred by those facts. This unfortunately threw additional embarrassment upon the task, the arduous task, of a reform of the system of governing our territories in India, by involving personal considerations in one of the most important questions that could engage the attention of parliament.

A learned gentleman who had been chairman of one of those committees (Mr. Dundas), had moved, that it was the duty of the directors of the East India Company to recall Mr. Hastings from the government of Bengal. The House very readily and very properly passed the motion; judging, no doubt, that it would not be expedient to condemn the system lately pursued in India, without fixing some mark of disapprobation on the person who had been the soul of the system. The directors, in obedience to the sense of the House, expressed in this motion, resolved that Mr. Hastings should be recalled; but not thinking they had a power to decide finally on this subject, they laid their own proceedings before the court of proprietors. For his part, he was of opinion that the directors might, without any violation of law, have issued their orders for a recall of Mr. Hastings, without consulting the court of proprietors; he nevertheless was aware, that a contrary opinion was entertained by many: the event, however, proved, that it was necessary the constitution of the society should be amended, that inconveniencies, similar to those which had happened, should not occur again. The court of proprietors resolved, that the order made by the court of directors for the recall of the governor-general, should be rescinded; the directors obeyed the sense of their constituents, and having made up their dispatches accordingly, carried them to the secretary of state (Mr. Townshend) to be reviewed by him: that gentleman, finding them so opposite to the sense of the House of Commons, would not suffer them to be sent out to India: and the House having met a few days after, he stated to them the transaction. In the whole of this proceeding, Mr. Townshend acted with the strictest propriety; an act of parliament authorized him to examine the dispatches of the court of directors, and to suppress the whole, or such parts as he should conceive to be likely to produce pernicious consequences to the public; and availing him-

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self of the power with which the law had vested him, he stopped the dispatches, which contained an account of the proceedings of the court of proprietors, because he found them so completely contradictory to the sense of the House of Commons, expressed in their vote.

But what was in the mean time the situation of the Company's government in India? It was critical beyond description; nay, it was a government of anarchy and confusion. The governor-general himself, who was the principal subject of the dispatches, was left in a situation in which even his enemies must pity him: the whole continent of India had been made acquainted with the resolution of that House for recalling him; and the resolution of the court of proprietors, by which he was to be secured in his government, was not transmitted to him, but was kept back; so that in fact he was in a place of eminence without authority, and of power without energy. Would any man of sense wish that a governor-general of Bengal should remain in such a situation? Could the affairs of the Company prosper in such a state? They certainly could not: and therefore it would be the duty of parliament to prevent the possibility of such another occurrence as had reduced them to that state. But this could not be prevented, while the act for regulating the government of India should remain in its present condition. By this act, it was in the power of the court of proprietors to defeat the very best measures that the directors, in conjunction with the servants of the crown, should take. If the directors wished to punish disobedience in one of the Company's servants, and therefore to recall him, they were obliged first to apply to his Majesty's ministers: but their consent was not, according to the opinion of the day, sufficient; so that, after it should have been obtained, it was still necessary to submit the whole to the court of proprietors, who might, if they pleased, undo all that had been done by the ministers and the directors; nay, defeat the purposes of the united wisdom of the nation and parliament, expressed in their votes.

Besides these contradictions, another had lately occurred: the court of proprietors had voted their thanks to Mr. Hastings; these thanks must be communicated to government, who, acting under the spirit of the resolutions of the House of Commons, could not perhaps suffer them to be conveyed to India. This naturally led him to consider the character of the men who generally were in the direction, and held East India stock, with the nature of the connection between a governor-general and his principals. In the directions there were generally two descriptions of men; those, who being real proprietors, endeavoured, by promoting the trade of the Company, and increasing its revenues, to make the most of their stock: the others were persons who had become proprietors, not for commercial, but for political purposes. How, by what means, and for what end, such persons purchased stock, he thought it unnecessary to state to the House. Those who looked to political connections, could not gratify their wishes more than by supporting a governor-general, in whose hands was lodged so great an opportunity of obliging his friends. Those, whose sole object was to make the most of their money, were generally inclined to support that governor, through whose means the directors were enabled to make large dividends. The circumstance of large dividends might at first view appear to make greatly in favour of a governor; but on a serious investigation, it might be found to be highly criminal in him; for seeing that, after having robbed the people committed to his care, and peculated for his own private advantage, there was no other way to prevent his principals from calling him to account, but by raising their dividends; for this purpose, the poor unhappy natives must undergo a second fleecing for the benefit of the proprietors: so that they were to be robbed first, to enrich their governor; and afterwards they were to be plundered, to furnish means to prevent a discovery of his peculations. He was not surprised that even the most honest directors should not venture to put an end to such infamous practices, by which a disgrace had been brought upon the British name in India: while man was man, he would be subject to the infirmities of his nature. The directors wished not to offend the court of proprietors, to whom they owed their situations; and the proprietors would never be easily persuaded to sacrifice servants by whom they were enriched: thus, however, the dearest interests of the country were sacrificed, and its honour tarnished; while no power in law existed at present by which the former might be preserved, and the latter retrieved. From these considerations alone, the House

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must agree with him upon the necessity of the interference of the legislature, if there was a wish that our possessions in India should be secured to us. But if parliament was desirous to avoid all interference, they would find it at present impossible: the business pressed itself upon them; and not only they must interfere, but they must do it without delay.

The state of the finances of the East India Company was as deplorable as that of the internal government of their territorial acquisitions. Gentlemen would remember that the Company had applied last year to parliament for pecuniary assistance; they called for leave to borrow 500,000*l.* on bonds; they had petitioned for 300,000*l.* in Exchequer bills; and for the remission or suspension of a demand upon them on the part of government for 700,000*l.* due for customs. It might be remembered also, that according to an act of parliament now in being, the directors cannot accept bills drawn in India to the amount of more than 300,000*l.* unless they shall have first obtained the consent of the lords commissioners of his Majesty's Treasury; the reason of this power being lodged in the commissioners was, that possibly, by some unavoidable circumstance, it might happen that the drafts on the Company might some time exceed in a small degree the above sum; and therefore they were vested with a discretionary power to grant their consent to the acceptance of the directors, for a larger sum than 300,000*l.* when it should appear to them adviseable so to do. The House would probably be astonished when they should hear, that notwithstanding the legal restriction to accept bills for no more than 300,000*l.* without the consent of the lords of the Treasury, there were bills actually coming over for acceptance to the amount of two million sterling. The lords of the Treasury having been apprized of this singular circumstance, had very prudently refused to give their consent that the directors should accept bills for so enormous a sum, and very properly referred them to parliament.

Here was another circumstance that proved, as clear as day, that government was not impertinently, rashly, or unnecessarily intruding into the management of the Company's affairs: if government was now stepping forward, it was for no other purpose but for that of saving the Company from bankruptcy: for if they went on in this course, they must sink; and nothing but that interference could preserve its existence. This was not a rash assertion, the state of the Company's finances would bear woeful testimony to the truth of it: the Company owed 11,200,000*l.* and they had stock in hand to the amount of about 3,200,000*l.* towards paying this immense sum; and when deducted from it, there would still remain a debt of 8,000,000*l.*; a sum to the highest degree alarming, when compared with the capital of the proprietors. Mr. Fox said farther, that when the lords of the Treasury consented to exercise the discretion vested in them by the act he had alluded to, let the degree in which it was exercised be what it might, he considered them as pledging the public faith for the payment of the bills, the acceptance of which they permitted; and therefore it behoved them to act with infinite circumspection and prudence. In the present case, the sum was extremely large; it was nevertheless obvious, that the credit of the Company was a matter of a very delicate nature: if they were not assisted, they must unavoidably be ruined; and the ruin of a body of merchants, so extensive in their concerns, and so important in the eyes of all Europe as the English East India Company, must necessarily give the national credit a very great shock indeed. On the other hand, to give them the requisite assistance, without first examining their affairs, and setting them to rights, and without forming and enforcing a new system of management for the future, better calculated to promote their prosperity, and relieve them from the bankrupt condition in which they at present unquestionably stood, would be only to throw away the public money, and for that House to proceed to take the last shilling out of the pockets of their constituents, to lend it to those whose notorious want of ability to manage their affairs had already brought them to the brink of destruction, and afforded but little ground for expectation of better care for the time to come.

It might naturally be supposed therefore, that he did not think for a moment of adopting the easy alternative of lending them the money they wanted, and thus getting rid of the difficulty for the present. The nature of the case required a very different mode of proceeding. He would not have gentlemen to be led astray with the idea, that the public had no right to take upon themselves to check or control the government of the Company's settle-

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ments: for his part, he knew too well the great interest the public had in the welfare of the Company, ever to subscribe to any such doctrine. What was the whole amount of the dividend to the proprietors? About 256,000*l.* And what sum did the nation derive from the customs paid by the Company? Above 1,300.000*l.* The people of England therefore had a much greater stake in the business than the proprietors of the Company. If the bills for two million, which were shortly expected, should return protested, what would all Europe, Asia, and the world say, but that the people of England were bankrupts, or they would not have suffered the bankruptcy of a Company, which paid them 1,300,000*l.* a year? The conclusion would be natural; and therefore the credit of the nation was deeply interested in the support of that of the Company. It was his intention, then, in the Bill or Bills that he should have the honour to move for leave to bring in, to authorize the lords of the Treasury to consent that the directors shall accept the bills for 2,000,000*l.* that were on their way to England; the public on this occasion must give effectual support to the Company; and therefore he would have it understood that the nation by these means would become a collateral security, and be liable to pay the whole, if the Company should not be able to take up or pay all its debts. Thus he hoped to save the sinking credit of the Company for the present; but it would not be sufficient to do this, without taking such steps as should guard it in future against the same causes that had reduced it nearly to a state of bankruptcy.

If he were totally unacquainted with the transactions in India, which had brought on the Company's calamities, he was of opinion that he could argue *à priori*, that they would happen; because, from the constitution of the Company, nothing else could happen. But with the mass of evidence that the secret committee had laid on the table, it would be madness to persevere in a system of government that had been attended with such fatal consequences. It had been truly remarked by a learned gentleman last year, (Mr. Dundas) that if a man wished to read the finest system of ethics, policy, and humanity, he would find it in the letters of the court of directors to the Company's servants abroad; but if the reverse of all this should be looked for, it might be found in the manner in which the orders of the directors were observed in India; for there inhumanity, false policy, peculation, and brutality were to be discovered in almost every step; orders were given on one side—they were disobeyed on the other; and the whole was crowned with impunity.

When the House thought proper to condemn the system pursued in India, it was a necessary corollary that some mark of disapprobation should be expressed relative to men as well as measures: it was not however his intention to enter into a detail of charges against any man; accusation was by no means his object; but it was not possible to illustrate his observations without occasionally mentioning names. With respect to disobedience of orders, there were two very singular instances, which he could not pass over unnoticed. The supreme council of Bengal had, by a vote on which the governor general had been left in a minority, resolved to send two gentlemen, Mr. Fowke and Mr. Bristow, to reside, the one at the court of the rajah of Oude, the other at that of the rajah of Benares. The governor-general, however, refused to send these two gentlemen to the places to which they had been destined; the directors transmitted to him the most positive orders to send them: Mr. Hastings thought proper to disobey them; and went so far as to say, that he could not employ them in negociations, because he had no confidence in them. Mr. Scott, agent in England for Mr. Hastings, said, on his examination before the committee of that House, that to force these two gentlemen on Mr. Hastings, was much the same as if opposition in parliament should force a minister of the crown to send abroad an ambassador, in whom he could not repose confidence; so that, according to this doctrine, the court of directors, who were in fact Mr. Hastings' masters, were to be considered in the light of an opposition, and resisted accordingly. What, he said, must be the state of that government, when the servants were bold enough to consider the power by which they were invested with authority, as an opposition inimical to them? But the subsequent conduct of Mr. Hastings towards one of those gentlemen in whom he could place no confidence, was curious indeed; for he was pleased to give a contract to Mr. Fowke for furnishing of oats, with a commission of 15 per cent. which he observed in one of his letters was a great sum, and

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might operate as a temptation on him to protract the negociation of peace; but, added he, "The entire confidence I have in the integrity and honour of Mr. Fowke, are a full and perfect security on that head." To evince the difficulty of recalling their servants, he stated, that in 1776 it was the resolution of the Company to recall Mr. Hastings; but his agent standing up, and in his name announcing his resignation, it was accepted as a milder mode of dismission or recall. It afterwards happened that Mr. Hastings disavowed the assertion of his agent, and thus two or three years elapsed, and the recall was never effected. As a proof of the disobedience of the Company's servants with respect to the orders of the court of directors, Mr. Fox mentioned various cases that were well known.

The affair of the rajah, prince, or zemindar of Benares, afforded an instance of breach of public faith, which would for ever be a blot upon the character of the British nation. The territories of this prince had been declared to be vested in him, on condition of paying to the vizier a certain fixed and stipulated tribute. The vizier thought proper afterwards to enter into an agreement with the Company's servants, by virtue of which the vassalage of the rajah of Benares was ceded to the Company; so that he thereby became tributary to it, but precisely on the same terms that he held his territories of the vizier: the tribute, and the conditions on which it was to be paid, were precisely the same; so that the Company stood on no better grounds than the vizier, and the rajah did not stand on worse. Mr. Hastings, on that occasion, wrote to the English resident at Benares, and authorized him to assure the rajah that no farther tribute should be exacted, nor should it on any future change of government be enlarged. The governor-general's letter on this occasion was a perfect model of elegance; it breathed humanity, justice, and honour in every line; but, alas! the humanity, justice, and honour of Mr. Hastings towards Cheyt Sing, the name of this unfortunate prince, were to be found only in his letter: his conduct disclaimed them: the tribute was regularly paid; and yet, contrary to the very tenour of his letter, Mr. Hastings called upon Cheyt Sing during the war for five lacks of rupees; they were paid: a second requisition for a similar sum was made, and complied with; as was also a third: the governor general made a fourth demand of five lacks, but the prince was not able this time to comply with it; and the governor hearing that the money could not be procured by fair means, went in person into the territories of Benares, seized them for the Company's use; and the unfortunate prince, Cheyt Sing, driven from his dominions, was at this moment a wanderer and a vagabond in the world. This unfortunate rajah referred to the governor-general's letter, to show that the demands that had been made upon him were contrary to the assurance contained in that letter; but Mr. Hastings disclaiming his letter, referred to the instrument, by which he promised to pay the tribute: in that there was no mention of an assurance that the tribute should never be higher; to this it was replied, that a clause had been at first inserted in the instrument to annul all former agreements, and consequently the original agrement by which the rajah of Benares bound himself to pay tribute to the vizier, and which agreement had been made over to the Company: to this clause the rajah objected; and it was struck out; consequently he had a right to conclude that the original treaty with the vizier, by which the *quantum* of the tribute was ascertained, and which he assigned over to the Company, remained still in full force; and he was the more founded in this opinion, as the governor-general's letter was as explicit on this subject as Cheyt Sing could have wished; but Mr. Hastings still sheltering himself behind the letter of the instrument, said, with Shylock, "I do not see it in the bond." Here was a most flagrant breach of national faith; for he (Mr. Fox) held the faith of the Company to have been as strongly pledged to Cheyt Sing, by the governor's letter, as it was possible to pledge it. The affairs of the Begums of Oude was another circumstance in which the honour of the nation had been wounded. These two princesses were the mother and the grandmother of the vizier of Oude; and the lands assigned to them for their support had been guaranteed to them by the Company; and yet, notwithstanding this guarantee, the vizier was permitted by Mr. Hastings to dispossess the princesses, and strip them of their dower.

It appeared from all the letters and orders of the court of directors, that the uniform tenour of their instructions to their servants abroad, was to conduct their affairs with a view solely to commercial

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purposes, and not with any view to aggrandizement; whereas it was evident that the latter had been the chief object of the Company's servants. In proof of this, he mentioned the Rohilla war, as another instance of the lengths that the Company's servants may carry injustice; the rajah of that country was persecuted with fire and sword, and his territories laid waste, for no other reason, that he could discover, but that his country had always been, what it always would be, a perfect garden. The Mahratta war was another source of calamity to the Company, and another instance of the disregard which was paid to the spirit of the system laid down by the directors, of pursuing commerce, and not acquisition. He would not say that it was begun by Mr. Hastings; it certainly took its rise from the presidency of Bombay; but it was adopted by him; and he would not say that the terms of the peace with that people were such, as the merit of having made it ought to outweigh the demerits of having engaged in the war; certain it was, that this new treaty was infinitely less advantageous to us than that of Poorunder, which had been broken. He added a case, if possible, still more inhuman; and declared, that in the statement of these particulars, he had been actuated by no personal enmities, nor did he aim at any retrospective views. His eloquence in this part of his speech was truly great and masterly.

Having stated these various grievances and abuses in the government of India, his next object was to point out the remedies that he intended to apply to them. He declared, nothing but strong measures could possibly be expected to effect a thorough reform. Strong, however, as the system was which he should have the honour to propose; abundantly too harsh as he was aware it would be thought by some, it was a palliative, an emollient, a half measure, compared to the idea of leaving things in their present condition. He hoped, therefore, the House would, on this occasion, take the advice given by a right hon. gentleman on a former day; that they would look their real situation with regard to India in the face; that they would examine it thoroughly, view its deformity, and proceed with firmness to adopt and enforce that application, and that remedy, which the inveteracy of the case required.

With regard to the existence of great defects in the present system of governing India, and the dangerous and deplorable extent of the mischiefs and abuses arising from those defects, the House, Mr. Fox observed, were well acquainted. The great difficulty lay in chusing the mode of remedying the defects that had been so fully ascertained. On former occasions, doubts had been started on this question: To whom belong the territorial acquisitions in India? Many, and grave persons, were of opinion, that they belonged to the crown; and they argued, that it was absurd that a body of merchants should be supposed capable of managing and governing great territories, and entering into all the mazes and refinements of modern politics. He was aware also, that very weighty persons had, on the other hand, maintained, that the territories belonged of right to the Company; and they retorted very justly, saying that it was equally absurd to suppose that mere statesmen were qualified to enter into, and conduct the complicated branches of a remote and difficult trade. To this latter opinion, he was himself inclined to lean. His idea, therefore, with regard to India, was to form a mixed system of government, adapted, as well as the nature of the case would admit, to the mixed complexion of our interests in India. He was willing, in the first instance, to leave the question of right to the territorial possessions just as it now stood, that was to say, undecided. It was generally thought, that if government should even take the territorial possessions into their hands, they would be under the necessity of keeping up a company to carry on a trade, by which alone the revenues of India could be converted to the benefit of Great Britain.

His plan was to establish a board, to consist of seven persons, who should be invested with full power to appoint and displace officers in India, and under whose control the whole government of that country should be placed; the other class to consist of eight persons, to be called assistants, who should have charge of the sales, outfits, &c. of the Company, and in general of all commercial concerns, but still be subject to the control of the first seven. The board he would have held in England, under the very eye of parliament; their proceedings should be entered in books for the inspection of both Houses. Their servants abroad should be obliged to make minutes of all their proceedings, and enter them into books to be transmitted to Europe; and if ever they should find

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themselves under the necessity of disobeying an order from the board (and he was ready to admit, that cases might occur, when not only it would not be blameable to disobey orders, but when disobedience would be even meritorious), a minute should be entered, stating the reason of such disobedience: and on the same principle, he meant to oblige the council at home to make minutes of their reasons, as often as their orders should not be complied with, and they should not immediately recall the servant who had disobeyed their instructions. This, he was aware, was new, when applied to the common course of business; but the long practice of it by the India Company had proved its utility.

He meant to lodge a discretional power with the council, which their responsibility would require. If it appeared to them, that a servant of the Company had acted in disobedience of orders from home, from the immediate exigency of affairs, or that he had an obvious good intention in so doing, or that it was for other reasons inexpedient to recall him, they should be obliged to assign in a minute, as short as they pleased, why they did not recall him, and thus avow what they would justify as the expedient grounds of their conduct. This would ensure security to the commissioners, and oblige them to act on motives of necessary precaution. The Company's servants abroad were already in the habit of entering minutes, and it was a custom of infinite utility; for if no such custom had existed, India would have been unavoidably lost to us; for we never should have been able, without these minutes, to trace the melancholy effects up to their true causes.

For the present, he intended that parliament should name all the persons who should sit at this board; but then it should be only *pro hâc vice*: he felt already the inconvenience of parliamentary appointments; for at present the governor-general of Bengal, deriving under an act of parliament, seemed to disavow any power in the court of proprietors, directors, or the King himself to remove him. He would have the board to be established for three or five years; or for such a length of time as should be thought sufficient to try the experiment, how far this new establishment might be useful. When that should be known, if experience should have proved its utility, then he proposed that in future the King should have the nomination of the seven first. If any of the eight assistant councillors should die, the vacancies should be filled up by the court of proprietors. A learned gentleman (Mr. Dundas) in the Bill he brought into parliament last year, proposed to give the most extraordinary powers to the governor-general of Bengal; he at the same time named the person who was to fill that office. The person was earl Cornwallis, a nobleman whom he (Mr. Fox) named now, only for the purpose of paying homage to his great character: the name of such a man might make parliament consent to the vesting of such powers in a governor-general; but certain he was, that nothing but the great character of that noble lord could ever induce the legislature to commit such powers to an individual, at the distance of half the globe. In this plan, the greatest powers might be intrusted with the board, because the members of it would be at home, and under the eye of that House, before whom their proceedings must be laid. The learned gentleman had intrenched his Bill behind the character of lord Cornwallis; but he (Mr. Fox) would not mention a single name that he intended to insert in his Bill: not because he was afraid they should not be found most respectable, but because he wished the Bill might rest for support on its own merits, and not on the characters of individuals.

There were other points on which he had formed an intention to touch, and for which he must bring in a second Bill, in aid and reinforcement of the first. An absurd opinion seemed to prevail in Indostan, that all the lands belong absolutely to the Emperor, and that therefore they may be disposed of at pleasure. Upon this principle it had been customary to turn the ancient zemindars, land-owners, or gentry of the country, out of their possessions, if others were found who would pay more for them. This was a destructive custom, built on an absurd and erroneous opinion; it destroyed agriculture and improvements, and took away that stimulus to the acquisition of property, the consciousness that it would be permanent. His plan would be, to enact, that upon the payment of certain fixed rents or tributes, the land-holders should enjoy the undisturbed possession of their lands, which no power should take from them; and in this he trusted he should be most powerfully seconded by the humanity and justice of parliament.



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He stated also, as a very important object of his Bill, and which stood much in need of correction, the practice of the Company's servants receiving presents from the Indian princes, and others, the dependants on the Company. This was, he said, the grand original, the *primum mobile* of all the rapacity, disobedience, injustice, and cruelty, that had disgraced the British government in India. In vain had the court of directors sent over injunction after injunction, to forbid the Company's servants from taking any present, on any pretence, from the Indian princes and zemindars; in vain had an express act of parliament passed to forbid the practice: the orders of the court of directors, the acts of the British legislature, were held in equal, and the most supreme contempt at Bengal. A stronger proof of this could not be adduced than the conduct of Mr. Hastings, who had accepted various presents, and among others, a present of 100,000*l.* from a rajah, who, at the very time, stood deeply indebted to the Company, and who pleaded the most abject distress, in excuse for not paying the Company what he owed them. This 100,000*l.*, it was true, Mr. Hastings had afterwards brought to the account of the Company, but it was a considerable time first; and in the interim he had lent it to them upon bond, and charged a high interest; nay, such was the opinion of Mr. Hastings himself upon the transaction, that he had written home word to the court of directors, "that he did not know whether he had any particular motive that had influenced him to accept this present, but if he had any at the time, it was really out of his mind." Mr. Hastings' agent, Mr. Scott, had also told the committee, when examined by them, that it was better worth the while of the rajah of Oude to make Mr. Hastings a present of 100,000*l.* than to pay any part of his just debts to the Company. Mr. Fox laid great stress upon the whole of this narration, and urged it as a glaring proof of his former opinion, that the servants of the East India Company in India were thought, by the natives, to possess more power than their masters; and that it was evident they held the orders of the court of directors, and even the acts of the British parliament, in sovereign contempt.

Another point, to which he designed to direct the correction his Bill was intended to administer, was to the abolition of all monopolies. These he stated to be extremely unfair in the first instance, extremely pernicious, and as tending to consume the vitals of commerce, rather than to feed, to cherish, or to lend it vigour. He mentioned the monopoly for opium, that had been given to the son of a late chairman of the East India Company, who sold the contract for a considerable premium the very same day; and in consequence, the trade for opium was absolutely lost to the Company. It had been often suggested, that it would be adviseable to give to the Gentoos the laws of England; but such an attempt would be ridiculous and chimerical—the customs and religion of India clashed too much with them: but though the laws could not be established among them, yet their spirit and efficacy might; and this great principle might be carried into effect, that no man should be deprived of his lands, while he fulfilled the conditions under which he held them. It might be proper to have a retrospect here, and to restore all those who had been dismissed since any given period; for instance, since 1772; and to bind them to the payment of such rents or tributes as they paid at that period. He had turned his thoughts also to the devising of some means, whereby criminals in India might be brought to justice here—a circumstance of the greatest importance. On this head, he had heard different opinions: some thought that the laws already in being were perfectly adequate to that end; while others insisted, that they were wholly insufficient; and therefore, that there was no other mode of prosecuting such criminals, but by bills of pains and penalties. All those who had been witnesses to the proceedings of last year, would agree with him, that this was a wretched, inefficient mode to resort to. He had thought of establishing a permanent tribunal for trying such criminals; but he felt very strong objections to such an institution: gentlemen would conceive, that it would be difficult for such judges to resist the attacks of friends and relations; and it would therefore be improper, if solicitations should prevail, to send a criminal to be tried before that court: the matter was full of difficulties; and he was ready to own, that he was not prepared as yet to bring in any bill on that subject; not only because he had not the assistance of the two great law officers of the crown, who were not at that moment members of the House, but, in fact, because he had not

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yet been able to arrange a plan that could please himself. He owned he had an idea in his mind on the subject, but it was not sufficiently matured for the House to be made acquainted with it.

He begged that, in the discussion of the Bills he should move for leave to bring in, gentlemen would not involve two things that were perfectly distinct—the merits or demerits of the Bills, and the merits or demerits of Mr. Hastings. This was not a day of trial for that gentleman: the Bills had no retrospect; not but he was ready to own, that upon the readiness he should find in the House to receive his Bills, it depended whether there should be a retrospect or not. At present there was no connexion between the Bills and Mr. Hastings: he might be the most honest, upright, humane, and just governor that ever existed; and yet the Bills proposed might be highly proper. On the other hand, he might be the most corrupt peculator, and the most cruel and unjust governor that ever cursed the plains of Indostan; and yet the remedy proposed in these Bills might be found inadequate. All he asked was, that they might be considered by themselves, without any reference to any man. If influence on this occasion should manifest itself, the consequences might be alarming; no future governor would ever go to India, without looking to influence in that House: and if the day should come, when the whole force of patronage in India should be employed for the purpose of creating influence in that House, what would become of India? Peculations there would be protected here; and the plunderers would be protected by the sharers in the plunder. He trusted that gentlemen in general would meet the question fairly, and not make that a personal consideration, which had nothing personal in it. The influence of the crown, they had been used to say, was too great: he thanked God it had been considerably diminished; but the influence of the crown, in its most enormous and alarming state, was nothing, compared to the boundless patronage of the East India government, if the latter was to be used in influence of that House. The country was lost indeed, lost beyond all hope or possibility of recovery, if the boundless patronage of the East was to be employed to prevent government from making a reform, called for in the loudest manner, and urged onwards by the most immediate and most pressing necessity. He spoke not this from a fear of the influence to which he had alluded; he trusted no attempt would be made to exert it in the present instance; because, if a minister was afraid to come down to the House, and propose a measure, grounded on the most urgent necessity, there would at once be an end of all government.

At the same time that he said this, he was aware the measure he had proposed was a strong one. He knew, that the task he had that day set himself was extremely arduous and difficult—he knew that it had considerable risk in it; but when he took upon himself an office of responsibility, he had made up his mind to the situation and the danger of it: he had left all thoughts of ease, indolence, and safety behind him. He remembered an honourable friend near him (Mr. Burke) had once said, half in jest, half in earnest, "that idleness was the best gift that God had bestowed upon man." But this was not a time for indolence and regard to safety in a minister: the situation of the country called for vigorous exertion, for new measures, and for some risk. He knew, that a minister who had no consideration but his own safety, might be quiet and safe; the consequence must be, the country would be ruined. How much better was it to venture what the exigency of affairs required: the minister it was true might be ruined, but his country would be saved. The one consideration ought to have no weight compared to the other; nor had indolent men any business in office at such a crisis as the present. This was not a season for a secretary of state to be idle: the minister that loved his ease, or rather, who was not determined to exert himself, had no business with green boxes and green bags: his office was for active employ; and if he preferred indulgence to application, he ought to retire to private life, where he might enjoy his leisure without injury to the public [a smile from opposition]. Mr. Fox took notice of the smile, aud said, the subject of a measure adopted by him last session had then been so repeatedly and so fully discussed, that the gentlemen on the other side must excuse him, if he declined saying any thing more upon the subject; thus much he would only then say, that it had been thought a matter worth trying, if a junction with those from whom he had long differed, might not be made with safety, after the points upon which they

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had differed most widely were at an end; and whether they might not act together on new points with honour, for the good of the country. That experiment had been tried, and he was happy to say, that the experience of the summer had confirmed him in his expectations; the noble lord and he not having had any one material difference, nor indeed any variety of opinion, farther than that sort of occasional difference which men of honour, determined to act freely, to give their opinion to each other without reserve, and from candid argument to deduce conviction, might warrantably and fairly be supposed to entertain. On the present occasion, he lamented most sincerely the want of the great abilities of the noble lord to support him in the arduous task of the day; and he more particularly lamented that his loss should be owing to personal illness and infirmity. He was, however, happy to be able to assure that House, that he and the noble lord had consulted together upon the subject; that they perfectly coincided in sentiment and opinion upon it; and he trusted, as the Bill would be some time in passing, that he should still have the benefit of the noble lord's powerful support. With regard to the smile the gentlemen on the other side had chosen to assume at his observations upon indolence, he could not be supposed to allude to the noble lord's administration; because they must know, many new projects were carried into practice during that administration; projects which, in common with those gentlemen, he had thought detrimental to the interests of the country, and which they had together laboured to prevent. Mr. Fox now came to a conclusion; and again begged leave to impress the idea on the minds of the House, that he had not intruded himself in this business officially; that it was not a mean and interested expedient for the purpose of fortifying a party, or to add to the influence of the crown. As he had said, it was a strong measure, because it was a great resolution; but considering it, as he and his colleagues did, necessary to the salvation of the Company, and, with the Company, of the state, he had applied to it with the greatest earnestness, and had brought it forward without the loss of a moment. He then moved, "That leave be given to bring in a Bill, for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public." His second motion would be, "That leave be given to bring in a Bill for the better government of the territorial possessions and dependencies in India."

Colonel *North* said, that as the propositions which had been submitted to the House, were, in his opinion, every way proper, and happily adapted to the business, they had his entire approbation. The right hon. gentleman, who had planned, digested, and brought forward the business, he thought had acquitted himself with equal ability and honour. He did not doubt but the House were of one mind on the subject; that its necessity and importance were universally felt and acknowledged; and that the minister would be effectually supported in what he proposed. He, therefore, sincerely rejoiced at the exposition of a system so masterly and seasonable, and rose to second the motion.

Mr. *W. Pitt* said, that he could not avoid remarking the singular manner in which the right hon. secretary had deprecated the charge of indolence; a charge which had never been imputed to him, though it had ever been considered as a leading feature in that part of the present administration, of which the right hon. gentleman had been once thought to be no great admirer; and at the same time, the claim that he had made that parliament would never recur to a certain connection of principle and patriotism, which had so much excited surprise and discussion in the last session, and that they would grant the coalition a perpetual amnesty. But how ready parliament might be to accede to the right hon. gentleman's desires, he would not pretend to determine; indeed, he knew not how far it might be adopted on the present occasion. For his own part, he could not avoid so far recurring to the present very extraordinary coincidence of sentiment and conduct of men, who were known to have acted and professed principles so diametrically opposite, as to testify his astonishment. He could not but observe, that the business which had been now laid before them, convinced him that there no longer subsisted a disagreement of sentiment: for, could he have presumed to have anticipated the conduct of the right hon. secretary, from the principles he had always opposed to his noble colleague when in opposite situations, he should have said, that he would have been the first to reprobate, not to propose, the

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system he had just divulged. Had this Bill been brought forward at a former period, he should have expected to have heard it deprecated with all that warmth of sentiment and astonishing eloquence for which he had been so justly admired. Although his noble colleague (lord North) was indisposed, he did not conceive it a material interruption to public business; for the House had now a demonstration that the right hon. secretary had industry and inclination sufficient to perform, not only his own share in the administration, but that of the noble lord likewise.

With regard to the Bill which had been now brought before them, he had nothing to say against its propriety, necessity, or principle, at this time: he would suspend his judgment until the Bills came before them; when he would examine their provisions with the accuracy which they demanded. He was assured, that enormous abuses had been suffered in the management of our India affairs; and great, indeed, he thought they must be, to admit of a measure, which, he would be bold to declare, was an entire abrogation of all the ancient charters and privileges by which the Company had been first established, and had since existed. All that he wished to mention was, that as such a Bill was brought before their consideration, they would consider it with that minute attention and serious investigation which such a Bill demanded, before they suffered it to pass into a law. He the more particularly urged this, from the manner in which the Bill had been introduced. He should have expected, that a Bill of so extraordinary an exertion of administrative power, could never have been brought forward without being premised with reasons that would, in some sort, justify so alarming a measure. But he was sorry to say, that in all which had been urged, he had heard no arguments that afforded him satisfaction. It was true, the Bill was said to be founded on necessity; but what was this? Was not necessity the plea of every illegal exertion of power, or exercise of oppression? Was not necessity the pretence of every usurpation? Necessity was the plea for every infringement of human freedom: it was the argument of tyrants; it was the creed of slaves. He had heard no particular argument in favour of this necessity, except that of destroying the corrupt influence which had been exerted by the Company and their servants in both houses of parliament. But surely this was an argument against the principle of the Bill; for if government possessed themselves of this source of influence and corruption, it would no longer be the influence of a Company, but that of the executive government. He asked, was it not the principle and declared avowal of this Bill, that the whole system of India government should be placed in seven persons, and those under the immediate appointment of no other than the minister himself? He appealed to the sense and candour of the House, whether, in saying this, he was the least out of order. Could it be otherwise understood, or interpreted, that these seven, who were to have the sole direction of that part of India affairs which related to the political government, were not to be appointed solely by the minister? The minister would then virtually be the governor of India; he would have all the power and patronage for which this Bill was principally recommended as tending to eradicate. Under this idea, he again most earnestly recommended, that the Bill might remain on the table so long as to enable every member to form an adequate idea of the necessity of the measure, and the tendency of the principle.

The right hon. secretary had his sincere thanks and applause for the manner in which he had expressed his intentions of giving stability and permanency to the property of the inhabitants in our territories in India. He felt his sentiments with that warmth of animation and pleasure, which was the general feeling of the whole House, and what always would characterize the liberality of an Englishman: but while he paid this deserved tribute to so generous and liberal a sentiment, he hoped never to see it adopted, if it must be attended with the absolute destruction of our rights and characters at home. The right hon. secretary was willing to secure to the Gentoos their natural rights; but let him take care that he did not destroy the liberties of Englishmen. He mentioned the influence of the crown; but had it ever been in its zenith equal to what it would be, when it should find itself strengthened by the whole patronage of the East, which the right hon. secretary was going to throw into the hands of the crown? For his part, he was ready to declare, that, in his opinion, the whole of the right hon. secretary's system was nothing more on one side than absolute despotism, and on the other side the

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most gross corruption. He wished this Bill not to pass without a call of the House; for he was assured that not a member of parliament, when he heard of this Bill, would consider himself uninterested in its discussion. He thought it one of the most bold and forward exertions of power that was ever adopted by ministers.

Mr. *Macdonald* recommended to the most serious consideration of the right hon. secretary of state, parts of Mr. Dundas's Bill on the subject of India, as containing materials for the new system of the most wholesome kind.

Governor *Johnstone* paid many high compliments to Mr. Fox, for the fair and candid manner in which he had opened the plan he intended to lay down for the future government of India. He then touched upon the principal charges against Mr. Hastings, which he briefly answered. He did not condemn that gentleman for not having employed in his negociations gentlemen in whom he had no confidence; and the principle of major Scott's answer to the committee on that head was just; it was just as if the king, without the advice of his ministers, nay, contrary to it, should nominate an ambassador to the court of France, and for his ministers to make out his credentials, and correspond with him: he was sure that the right hon. secretary would not serve one hour after such an indignity. In the affair of Benares, he held the governor-general not to have been criminal; for he would contend, that in times of war, and so dangerous a war as was the last, all vassals and tributaries of the Company, and of course the rajah of Benares, ought to be called upon for extraordinary supplies and exertions. The circumstance of the bills that were coming over for acceptance, was no proof of guilt in the governor-general; on the contrary, it was an argument in his favour. Formerly the Company's servants contrived to make remittances or investments through the medium of foreign companies: Mr. Hastings, finding that the Company's ships must either remain in India unemployed, or return in ballast, had found means of procuring cargoes; he had prevailed upon those who would have sent home goods by other conveyances, to send them in the Company's ships, and take bills upon the court of directors in payment. These bills were at a long date; and he was sure that the holders of them would very readily hold them over, if from the day of their becoming due they should get 5 per cent. interest until the bills should be taken up. Mr. Hastings never was the author of the Mahratta war; and as he was not responsible for the commencement of it, he was entitled to the best thanks of his country for having maintained it with so much vigour, and concluded it with so much honour and advantage to the Company. As to the monopolies, they were in themselves such trifles, that they were not worth mentioning; a man like the governor-general of Bengal, scarcely could find time to think of them. He could not approve of the power to be given to the crown; he was willing to admit that the present government of the country, as established by act of parliament, was intricate, and attended with inconveniences; but he was afraid that the controlling power of the secretary of state would not be found of any great use. He saw no reason from the debt due by the Company to the public, that the latter should despoil the Company of its chartered rights; their debt was by no means as stated by the right hon. secretary: so far from being bankrupt, they had but a very trifling mortgage on a very fine estate, which would soon pay it off. The Rohilla war, was the war of the directors, and not of Mr. Hastings; and this he would prove at the bar of the House. But had he even been the author of it, it would be a curious circumstance indeed to assign that as a ground for his recall, after he had, since the commencement of that war, been twice named by that House, in two successive acts of parliament, governor-general of Bengal. As to the Bill moved for he would not oppose it. He liked the vigour of the right hon. secretary, —we wanted bold measures: but at the same time he declared, that if any one should, in a proper stage of the business, move that no one should be a member of the new board who had sat in either the secret or select committee, he would second the motion.

Mr. *Fox* admitted, that Mr. Hastings was not the author of the Mahratta war, which originated in Bombay. He once more begged gentlemen to recollect, that the character of Mr. Hastings was not involved in the consideration of the Bill.

Mr. *S. Smith*, jun. spoke against the arbitrary principle and tendency of the Bill. The arguments of its necessity being urged from the inquiries and resolutions of the secret and select committees,

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were not satisfactory to him; for he should never hear the latter mentioned without its recalling to his memory what he had heard declared in a former debate, that a relation of his, who was a member of the committee, had resigned all concern with the business; for he found their proceedings were so arbitrary and prejudiced, that he could no longer continue a member of such an inquiry. The present motion was a convincing proof, that, excepting some few whom he had the honour of seeing in their places, who preserved themselves independent, unplaced, and unpensioned, let who would be minister, that we had lost all public principle and public virtue.

Mr. *W. Pitt* said, that unless a proper time was allowed for a call of the House, he should certainly oppose the Bill upon the second reading: he therefore wished to know if the right hon. secretary would defer it for a few days longer.

Mr. *Fox* said, he could not assent to the Bill being deferred any longer than Thursday se'nnight, but that he had not the least objection to the call being made.

The motions were then agreed to *nem. con.*; and Mr. Secretary Fox, Mr. North, lord John Cavendish, and Mr. Erskine, were ordered to prepare and bring in the said Bills. Mr. W. Pitt then made his motion for the call of the House to be for to-morrow fortnight.

The motion was read, and agreed to.

*Debate in the Commons on the Navy Estimates.*] Nov. 19. The House resolved itself into a Committee of Supply, to consider of the Navy Estimates for 1784.

Admiral *Pigot* rose to move the complement of seamen for the service of the year 1784. He said, that the great force at present in India, would make it necessary to move for a greater number than he otherwise should have called for: if the force that it was at present thought adviseable to keep in that part of the world, should at a future period be found more than sufficient, a reduction would of course take place, and the establishment would be eased. For this year, the reduction could not be as speedy as might be expected, as the ships ordered home could not arrive as soon as from less distant parts of the world: those already under orders to return, could not arrive before March or April; at which time he expected five ships of the line and two large frigates, which would then be paid off: their full complement of men would amount to more than 2,200; but as he had reason to believe they were far from being complete, he rated them at no more than 1,455 men; and these being discharged, the vote of next year would be less than that for the present by so many. The number of ships for Channel service this year, was nearly the same as during the peace, as they amounted to fifty-four, whereof 20 were sloops, 27 cutters, and the other six large frigates, carrying in all 4,475. In these there were three more than in the last peace establishment; and they were destined to cruize in the Mediterranean, where it was now more necessary than formerly to station frigates, as Minorca was no longer in our hands to afford shelter to our trade, and as the Mediterranean swarmed with corsairs. The daring conduct of the smugglers had made it necessary that stout frigates should be kept constantly cruizing, as he understood that several smuggling vessels carried a considerable number of guns, and had on some occasions had the audacity to come to action with his Majesty's ships. The number of seamen on board the guardships was greater than during the last peace; but as gentlemen must recollect the very great difficulty that occurred in finding sailors to man the King's ships at the beginning of the war, they would not think that an unnecessary expense, by which they should have a supply ready at a moment to man a squadron, if any sudden attack or insult should render such a measure necessary. He also enumerated the ships that were to be in the West Indies; and concluded with moving, "That it is the opinion of this committee, that 26,000 men be employed for the sea service, for the year 1784, including 4,495 marines."

Mr. *Hussey* said, that he was of opinion, that the Admiralty, by distributing the 4,475 men on board of small sloops and cutters, would defeat the very purpose for which such a number of men were to be employed; for as many of the smuggling vessels carry from 20 to 30 guns, none of the King's cutters could venture to attack them. He himself knew that a smuggling vessel of 28 guns had frequently appeared off Hampshire, near the Isle of Wight; and that she used regularly to fire a gun as a signal for the small craft to go to her, and carry her lading ashore; a cutter was not able

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to contend with a vessel of such superior force; the goods were therefore landed in safety; and he knew that 1,000 horses led by smugglers had occasionally appeared, and received them from the small boats, and carried them off. He threw out the hint to government for the benefit of the country; there were always means to conceal smuggled goods on shore; and therefore the most effectual method for suppressing smuggling would be, by making the water-carriage almost impossible, at least as difficult as possible.

Mr. *Rolle* said, he knew that there were two smuggling vessels, one carrying 28 the other 26 guns, which generally lay about Lundy island, and, setting government at defiance, discharged their cargoes into small vessels, and protected them while they were landing them along the coast. This they did openly by sailing up Bristol Channel.

Mr. *Brett* said, there was but one way, which to him appeared much more effectual than an armed force towards suppressing smuggling; and it was to weaken the force of smugglers, by seizing every vessel of so large a force as 28 guns, that left a port without a clearance; and he did not see any reason why they might not be treated as pirates.

Lord *John Cavendish* applauded the disposition of gentlemen which prompted them to throw out salutary hints to government for suppressing the practice of smuggling; he had turned his thoughts seriously to the business; and the more he considered it, the more he was convinced that it would require much information, and great exertions of abilities, to devise means by which the desired success might be attained. He therefore intended to move on Thursday, "that the House would ballot for a committee to inquire into the illicit trade now carried on in this kingdom, and to deliberate on the means to put a stop to it." He was of opinion that the committee ought to consist chiefly of commercial men, who, from their own knowledge, and the information they should be empowered to collect, might be able to crush a practice which had so materially injured the revenue. The House appeared greatly pleased with the idea.

The question was then put on admiral Pigot's motion, and carried without opposition.

Nov. 20. The report of the committee being brought up,

Mr. *Jenkinson* said, that he thought it too high an establishment for a time of peace: he was aware, that there were various circumstances that rendered it necessary to vote a larger number of seamen for the service of 1784, than might actually be employed during the whole year; and that the mere vote of seamen did not necessarily govern the whole of the naval expenditure for what was generally termed the peace establishment. He should be glad to know, what was the specific expense to which we were to be put. The situation of the country demanded the utmost attention to economy; and he remembered in former times, 15,000 seamen was the number settled and determined, by some of the greatest men and wisest politicians that ever governed the kingdom, as fully adequate to all the purposes of a peace establishment.

Mr. *Fox* said, that the peace establishment would not be so great as the present vote; it would, indeed, be greatly less: but at the end of a war so extensive, we must not be too hasty in forming an establishment. The peace with Holland was not yet definitively concluded; not, to say the truth, that he considered that circumstance as of much, or, indeed, of any consequence in the view of making the peace firmer than it already was: but time must certainly be allowed for government to look round them, to see the state in which other powers sat down, and to adjust and regulate such establishments, as should appear to be good policy to adopt. In the mean time he returned his thanks to the right hon. gentleman, for reminding the House, when they were coming to a vote of some cost, of the necessity of adhering to economy. The spirit of economy ought always to be in their contemplation; and as the navy service was very naturally the favourite service of every Englishman, it was particularly right to suggest the hint while that service was providing for, lest their favour and partiality should hurry them beyond the bounds of true and necessary economy. It was certainly incumbent upon government to be extremely prudent and sparing in their general conduct: nor was it enough to be economical in large considerations only; economy must pervade every individual department, or it could never be rendered materially advantageous. These were his sentiments; and to reduce such sentiments to practice, should ever be his study and endeavour.



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The resolutions were then agreed to by the House.

*Debate in the Commons on the Bill to explain and amend the Receipt Tax.*] Lord *John Cavendish* moved for leave to bring in a Bill to explain and amend the Receipt Tax. Doubts, he said, had arisen, whether any penalty was incurred under the Act in its present form, by those who had signed receipts upon unstamped paper; which doubts had been, in a great measure, changed into a confident idea, that persons so acting were not liable to the penalty, by the opinion of certain gentlemen of the law, of great weight and respectability in their profession, having been published in all the newspapers, and circulated industriously throughout the kingdom. The tax set off extremely well; and, before the opinions alluded to were promulgated, appeared likely to prove as productive as its most sanguine advocates had expected; but upon the publishing of these opinions, it fell off immediately. The Stamp-office had laid the case before the late Mr. Wallace and the present Attorney-General, both of whom had given opinions diametrically opposite to those of the other learned gentlemen. As, however, it would be extremely harsh to prosecute or to mulct persons who had inadvertently offended against the Act under such circumstances, he trusted, that let gentlemen differ as much as they might about the policy of the tax itself, every body would be of opinion, that a Bill ought to be brought in to indemnify those who had given receipts without a stamp. He therefore moved "for leave to bring in a Bill to explain and amend so much of the said Act as relates to stamp duties on receipts, and for indemnifying all persons who have given and taken receipts not stamped according to law."

Sir *Joseph Mawbey* expressed a wish, that the Act alluded to might not be amended, but completely repealed; for it imposed an odious and oppressive tax—it was burthensome to trade, and could never be completely collected; the repeal of it would therefore be agreeable to the public; and the revenue, upon the whole, would not suffer by it, as such improvements might be made, by checking the illicit trade that was carried on to an immense extent, as would not only keep up the revenue to its present amount, but even greatly increase it.

Sir *E. Astley* said, when taxes were once laid, he always wished them to prove efficacious, that they might not be troubled with others to provide for their deficiency; that in the present case, he really believed the tax was found fault with more for its being so troublesome, than on account of its being found oppressive; that, in fact, so far from its proving efficacious, it had not been heard of in the country; no person taking or asking for a stamped receipt.

Sir *Cecil Wray* was of opinion, that government were only setting up a pretence, in order, under the colour of amendment, to extend the tax; this he thought pitiful, and therefore he would oppose it. The present attempt was a gross fallacy and deception. He said, all the world was at rest upon the subject; that those who had taken unstamped receipts dreaded no penalty, nor wished for any indemnification; that every act ought to operate as the face of it warranted, and not to have new meanings and constructions, never before thought of, put upon it by a Bill subsequently brought in; that it was evident, from the opinions of the eminent lawyers alluded to, the face of the Bill did not warrant the infliction of any penalty; and that the language of last year was, that no person was obliged to pay the tax, and that it was a luxury and a matter of choice whether they would have a receipt or not. Such having been the declared opinion of ministers then, they ought to abide by it; much less ought they, under a pretence of a necessity, to bring in a Bill which changed the operation of the tax entirely, and made that penal for the future, which had not been so hitherto.

Lord *John Cavendish* declared his meaning was not to extend the tax, but to prevent the evasion of it, by making men see that, by attempting to evade, they must make themselves liable to penalties. The old method of crossing accounts out of the book, would be as valid as ever; but he meant to make all receipts given on paper, without a stamp, liable to a penalty. This had been generally understood; and as he had before said, the tax set off well, and did not begin to fail, till the opinions of the lawyers were published by alderman Picket in the newspapers. Lord John said, that he meant in the Bill which he had moved for leave to bring in, to introduce a clause, obliging the person who was to have a receipt for what he paid, to pay the price of the stamp; and



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making every person who should sign a receipt on unstamped paper, liable to a penalty of five pounds.

Lord *Mahon* desired the House would recollect, that when the tax itself was proposed in the last session, gentlemen, in order to make it palatable, called a receipt a luxury, because no one was compelled to take a receipt; but now the law was going to be altered, and men were to be forced to take receipts; this was a strange kind of luxury, that a man could not enjoy the luxury of paying his debts, without being liable to pay for a receipt.

Mr. Secretary *Fox* begged to set the noble lord right. The Bill would by no means impose a necessity of taking a receipt; it only went to declare, that if a man should think proper to take a receipt at all, it must be on stamped paper. Some of the first authorities in the law were of opinion, that this was already the case; but others differed in opinion; it was therefore intended to remove the doubt, by explaining an obscure clause in the present Act. His hon. colleague had said, all the world were at rest upon the question, and no indemnity was desired. But why was all the world at rest? On account of the moderation of government, on account of a spirit that ever had, and he trusted ever would distinguish the present administration. The penalty had evidently been incurred, but clearly under misconception of the Act; what then remained for his noble friend to do? Either one or other of these two things; to prosecute for the penalties, or to bring in a Bill of indemnity for what was past. It was easy to suppose that he would choose the latter, and therefore he had moved for leave to bring in a new Bill; but in making that Bill explain what had been the intention of the former Act, there was nothing like a fallacy or a pretence.

Sir *Cecil Wray* said, now that the noble lord had in his second speech stated what the Bill was, there certainly was no fallacy; but to call it a Bill of indemnity, and to make it enact a penalty for the future, without avowing it, would have been a pretence.

Mr. Alderman *Newnham* arraigned the policy of the tax itself; it was burthensome, vexatious, and oppressive—a more unpopular tax had never been imposed; and when it should come to be thoroughly known, he had not a doubt but complaints against it to that House would arrive from every quarter. The people knew that taxes were necessary, they had no objection therefore to be taxed; it was only of this particular tax that they complained; and he knew it to be so objectionable, that he pledged himself to move for a repeal of it the first convenient opportunity after the holidays. His constituents had instructed him to move for its repeal; but, at the same time, they were aware that the amount of the tax must be made good, and instructed him to say, that they were willing to make it good; submitting it to ministers upon what to lay the imposition, and only desiring not to be obliged to pay it on receipts. In the mean time, as the tax undoubtedly had been hitherto greatly evaded, he thought it right to let the Bill, now moved, be brought in and passed, in order that ministers might render the tax as complete as possible.

Mr. *Arden* thought the noble lord acted very properly in bringing in the Bill; for, certainly, if any penalty was intended to have been inflicted by the Act as it now stands, it was not, in his opinion, so worded as to carry its own purposes into effect. The clause under which the penalty must be supposed to be incurred, was a reference to a former Stampt Act; but in saying that certain provisions in former acts were to be adopted in this, there was not a word about penalties; that word was not expressed. It might be asked, if penalties were to be incurred under the present Act, what were those penalties? Such, no doubt, as the statutes, to which the present referred, had enacted: now some of them invalidated the instrument which should be drawn on unstamped paper; others added a penalty; and all made it death to forge the stamp; and therefore if any penalty at all could be incurred under the present Act, every penalty could; and consequently a man could be hanged for forging the stamp used in receipts: but as the word 'penalty' was not once mentioned in the sweeping clause, which adopted the regulations contained in former Stamp Acts, would any lawyer say that the penalty of death might be incurred under it? Not one; and he was sure, that if this could not, no other penalty could: it was a maxim in law, not to construe statutes beyond the plain import of the words; but penal statutes, above all others, were to be construed most favourably to the accused. A clause, adopting all former regulations in former statutes, was rather a novelty; it occurred, he believed, for the first time, in the 30th

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Geo. 2, and had been repeated in the 7th of the present reign; but surely it were more proper and more just, that clauses, particularly in penal matters, should be worded in clear and express terms. He confessed, that when consulted some time ago on this Act, the sweeping clause in question had not been particularly under his consideration, as he did not understand that he was consulted upon the point whether penalties might be incurred under it. He concurred with the noble lord in the propriety of bringing in a Bill to remove all doubts; and if he should find it unexceptionable in its parts, he would not oppose it. He hinted at the doubts of government itself upon the legality of taking a receipt without a stamp, and asked if certain licences had not been granted to certain persons to receive money on government account without a stamp to each receipt?

Lord *John Cavendish* said, he had understood a proposal had been made to give security to the Stamp-office, that when some books of receipts were full, they should be sent to the office, and the whole duty paid at once.

Mr. *Sheridan* observed, that the last speaker but two had said, that the receipt-tax was oppressive and unpopular; and that when it should be known, complaints would pour in against it from every quarter. It was a little singular that a tax should be oppressive, which was not felt; and that it should be unpopular when it was not known: in the country, an hon. baronet had said, it had been hardly heard of; and in the town it had been, since the publication of certain authorities, pretty generally evaded. As to the penalty of signing a receipt on unstamped paper, he remembered well to have stated in the committee, when the matter was under consideration, that it was intended that such an Act should be made penal; and he wished that, whenever the learned member who spoke last should be called upon again, along with other gentlemen of the law (Oliver Quid and others), to give an opinion on a statute on which the existence of a considerable branch of the revenue depended, he would give less way to vivacity, and read all the clauses, before he let his opinion get abroad into the world, where such an opinion as his could not fail to carry great weight.

Mr. *Arden* retorted on Mr. Sheridan with some acrimony, and denied that the opinion of the late and present attorney-general was founded either in law or fact. He then, in a high tone of voice, replied, and defended his former argument.

Mr. *Sheridan* said, he should not adopt the warmth of the hon. member, because he found, by the experience of its having not the least effect when used by another, it might probably be of as little service if he took it as his mode of defence. But again he reprobated the sending forth an opinion calculated to affect the revenue, without the decency of reading the Act on which it was to be founded.

Mr. *Kenyon* contended for the justice of the public opinion he gave; but as to the intention of decreasing the revenue by its appearance in print, he denied the truth of such an insinuation. He then stated the grounds upon which he had proceeded to give his opinion in the case that had been submitted to him, and said, he was not conscious that he had deserved the reprehension the hon. gentleman had been pleased to bestow on him, and that in language which was not calculated to conciliate the minds of men; but that by putting the opinion of professional men and that of Oliver Quid upon the same footing, the hon. gentleman had lowered himself, and not them. With regard to sending to the newspapers, he had no connection with them: he never wrote paragraphs for them, nor paid news-writers for such rubbish. He was not solicitous of newspaper fame; nor were all the prints of the metropolis retained in his service, though they might in the service of others. After tartly saying this, Mr. Kenyon adverted again to the construction of the Act, and said, that he had ever considered it as his duty to read penal statutes *à mitiori sensu*, and to put the most lenient interpretation on them that the words would bear. In forming the opinion he gave, he had done so; and after the most sober and deliberate consideration of the case, he had delivered an opinion according to the best of his judgment. The case, he said, had lately been submitted to him by the Stamp-office; and after re-considering it, his opinion was not altered.

Mr. *Fox* intended to put an end to the conversation, by rising to explain what Mr. Sheridan meant. His hon. friend did not mean to say that the learned gentleman had not read all the Act; but that the particular clause in question had not, as the learned gentleman acknowledged, been immediately under his consideration when he gave his opinion. [Mr. Arden, in a low.

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voice, said across the House, that how far penalties might be incurred under it, was what had been in his contemplation when he gave the opinion.] Mr. Fox, catching the word 'penalties,' turned it against the learned gentleman, by saying, that the thing on which the learned gentleman had been consulted, was not in his contemplation, when he was giving his opinion.

Mr. *W. Pitt* here interposed. He said, that if it was on the subject of penalties ministers wanted to take the opinion of counsel, the officers of the crown had very badly drawn up their case, for it was not upon that point the learned gentleman had been consulted. As to all the epigrams and witticisms that had been wasted at the expense of his learned friend, they were wholly unworthy notice; but there was one circumstance which proved, that neither of his learned friends accused could have had any design to undermine the revenue by the opinions they gave their clients upon the receipt-tax; and that was, that another learned gentleman, rather more in favour with the present administration, had given a similar opinion. That learned gentleman had recently been appointed his Majesty's solicitor-general, which certainly was an appointment not given him as a reward for assisting in a design to undermine the revenue.

Leave was given to bring in the Bill.

Nov. 21. Lord *Mahon* called upon the Speaker for his opinion on a point of order. Notice had been given by an hon. alderman that he would move some day after the holidays for the repeal of the Receipt-tax Act. Leave had been since given to bring in a Bill to explain and amend that Act: the question, therefore, that he had to put to the chair was this: "If the Bill for explaining and amending the Receipt Act should pass this session, would the orders of the House admit a Bill for repealing the tax itself to be brought in this same session?"

The *Speaker* said, that as the whole session was, in the eye of the law, only as one day, the order would not suffer a Bill to be brought in, for the purpose of repealing an Act passed the same session: the reason was, that it could not be supposed that any assembly would make and unmake a law in the same day. It was the same with a Bill for explaining and amending an Act; for as such a Bill must be supposed to fortify and confirm the Act in every part which it did not alter, so, if such a Bill should pass into a law, the order of parliament would not suffer another Bill to be brought in the same session, for repealing the former Act so amended and explained; and for the same reason that he had stated in the former case. And, therefore, if any one wished to have the Receipt-tax repealed this session, he would inform such person, that if the Bill ordered in by the House, to explain and amend the Act by which that tax was imposed, should pass, he would find himself precluded, for this session, from moving for leave to bring in a Bill to repeal the tax.

Lord *Mahon* returned his thanks to the chair for the opinion that he had just heard from it; and then reminded gentlemen, that all those who wished for the repeal of the Receipt-tax, would of course be obliged to oppose the Bill moved for yesterday, or else they must wait for another session before their wish could possibly be accomplished.

*Debate in the Commons on the First Reading of Mr. Fox's East India Bill.*] Nov. 20. Mr. Secretary *Fox* brought up the Bill for vesting the affairs of the East-India Company in the hands of commissioners, for the benefit of the proprietors and the public. It was read for the first time, and ordered to be printed. On the motion, that it be read a second time on that day se'nnight,

Mr. *W. Grenville* said, that in rising to exercise his free judgment, and to perform his duty, he should not be intimidated by the illiberality which he must expect from those opposite to him. The experience of the last half hour must convince those who differed from them, what they had to expect; he should therefore appeal to the candour of the House for protection. He rose to oppose the motion; and as the business was of such importance, he gave it as his opinion, that the Christmas recess should intervene before the second reading. He said, the right hon. Secretary meant to take the House, not only by force but by violence; and, therefore, it became the business of every member, who regarded the liberties of his country, to stand forward on this occasion. What the reasons were that induced him to make such an appeal to their candour, and to address such a requisition to their justice, he would take the liberty to state; and when he should have done so, he trusted that they would

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join with him in reprobating the attempt now made by the minister. His reasons were, the great importance of the Bill, the novelty of the system it held out, the alarming tendency of that system, the injustice it was big with, the aim being no less than to erect a despotic system which might crush the free constitution of England. The Bill was of a most alarming nature indeed, and called for every attention that the representatives of the people could give it. Thus far, supposing it to have the interest of the nation at heart, it was entitled to a proper time for consideration: but in the point of view in which he took it, there appeared every reason for throwing it in its present shape entirely out of the House. India, it was true, wanted a reform, but not such a reform as this: it wanted a constitutional alteration, not a tyrannical one, which broke through every rule of British justice. The Bill made an attack on the most solemn charters, affirmed and confirmed by the sacred faith of parliament; it broke through all those ties which should bind man to man, and was fraught with the most pointed mischief against national honour and the integrity of English legislation. Less violent methods than this surely could have been found, if there was not at the bottom some deep, some latent, some dreadful purpose, of which this was the political forerunner. A great body of commercial people, who were respected by the surrounding powers of Europe, were to be annihilated. A proprietary of the public, who, under the faith of parliament and the chartered constitution of representative honour, vested their money in a particular fund, were to have the nature of their property changed—for what? To increase the influence of the crown in the House of Commons! Was this right? Did this bespeak the patriotic intentions of the present ministry, who talked so much, and did so little, in respect to that reform which they so eternally rang in the ears of the people? He demanded of the House, whether the charter of the Bank had been, or was secured on a more firm basis than the charter of the India Company? There was no man would aver, that the first was not as firmly, as constitutionally, as legally, and as honourably pledged to be inviolate, as the second: it therefore followed, if a minister took hold of the direction of the India House, he might, with the same justice, take hold of the direction of the Bank. On record there was no stronger faith for the one, than there was for the other: if parliament broke the honour of the nation to the one, they might forfeit their credit with the public in respect to the other. The charter, conveying the rights of the Company, was conceived in the clearest and strongest terms that could be imagined; it was clearer, stronger, better guarded in point of expression, than the Act of Settlement itself; which, by the blessing of God, had established the present royal family on the throne of England: and clearer also than the charter establishing the Bank of England. The Company also had but lately paid a sum of money to government, and were bound to pay more. What security could any individual have for his private property, if the rights, the property of the Company, were thus to be torn from them? Their houses were to be entered, their books were to be seized, their servants were to be governed, their whole affairs to be managed by parties, who were bound, by the most solemn engagements, to protect them in the enjoyment of all that they possessed: the courts of proprietors and directors were to be abolished, and swallowed up by the prevailing power of the British ministry. It was idle, and it would appear foolish to the world to say otherwise, than that the present Bill was not intended to protect the innocent natives, or to save to the benefit of the people the possessions in India. As to a contradiction from the Treasury bench on this subject, it would have little weight, because the intention most palpably spoke for itself.

These were considerations of infinite importance; and ought it to be a matter of a single moment's doubt, whether these considerations should be suddenly brought forward, or whether a few days longer should elapse in order to obtain a fuller attendance, and to give such gentlemen as were yet in the country an opportunity of coming to town, and being present at the discussion of a Bill of such magnitude? His wish was to postpone the second reading of the Bill till after the call of the House; and he trusted, that this wish would be ratified by the concurrent feeling of the majority of those present. Should such a Bill pass precipitately, and he earnestly hoped so violent a stretch of authority, so unjust an attempt to seize inordinate power, never would become a law; but should it be

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attempted to be hurried through that House, what would the people at large think of their conduct? Called together as they had been at an unusual season of the year, did it become them hastily, in thin Houses, without allowing themselves time to weigh the importance of a system perfectly new, unheard of before, never even alluded to within doors or without, to proceed with as much dispatch as if they were going through a Bill of no importance? On the contrary, ought not the extraordinary tendency of the system, made the subject of the Bill, to alarm their apprehension, to call forth their caution, to excite their utmost wariness? What plea had the right hon. mover urged as the ground of proposing the system in question? He had mentioned only one, the plea of necessity. That there was a necessity, an urgent necessity to adopt some measure for the relief of the East India Company, for the regulation of their affairs, and what was still more pressing, for securing to the natives of India, and all who resided there, and were dependent on the Company, protection and security, he was ready to admit; but was he not to be allowed time to examine whether the Bill then under consideration was the best adapted to the necessity in question; or whether more lenient means of effecting the relief that the nature of the case required, might not be discovered? In opening the grounds of the Bill, the right hon. mover had principally rested his argument—on what? not on general facts, but upon the peculiar conduct of an individual! This was not the most candid way of opening the grounds of a system calculated for great and general purposes: on such a day, he should have expected individuals might have been spared, and the thoughts of the House directed to large and more important objects: but taking the case as it stood, what inducement had they to precipitate a Bill, that called more perhaps than ever Bill had done before, for circumspection, for investigation, for the most serious and deliberate discussion.

The conduct of parliament on similar occasions, had been to pause, to proceed with all the slowness of doubt, to look again and again at the subject, and neither to determine on a sudden, nor without full evidence of the truth of the facts upon which a proposition was founded. When he used the phrase 'similar occasions,' he went too far; he should have said, 'on occasions much weaker, on occasions that bore no sort of analogy or comparison, in point of importance, to that of the present Bill.' In 1773, and in 1778, when Bills affecting, in a slight degree only, the constitution and rights of the East India Company, were under consideration, let the House recollect what had been the alarm! what the language of those days! Men were sometimes apt, in the heat of debate, to grow warm, and to adopt even stronger expressions than the occasion warranted. That the sentiments he had uttered were not peculiar to himself, would be seen from a reference to the sentiments of past times. In the protests of the House of Lords, to which he had a right to refer, the same sentiments would be found, but expressed with infinitely more dignity, more ability, and more authority, than he could ever pretend to lay claim to. He would not attempt to derive any weight or consideration from the names of the noble persons subscribed to the protests to which he alluded: he would not draw any additional weight to his argument from the name of the marquis of Rockingham, a name ever dear to recollection, as the marquis was a character, whose uniform and consistent adherence to fixed principles, begot him the confidence and support even of those not naturally prone to act with him, but who were now obliged to deny their support to others, who had chosen to proceed on opposite principles: he would draw no weight and consideration from the name of the duke of Portland, though confessedly acting, at the time that he signed the protest, from the best and purest of all possible motives. Having put this pointedly, Mr. Grenville proceeded to read the protests in question, which were written in language remarkably spirited and warm.* After going through them, and commenting upon each, particularly on that part of them that complained of the haste and precipitancy with which the Bills then passing, relative to the East India Company, were hurried through the House, he asked, to what end was the present Bill to be so rapidly and so indecently urged? Was it to be supposed that the other House should so far forget their own honour and dignity, so far lose all sense of what was due to God and their consciences, to consent to pass a Bill so big with despotism, so arbitrary, so harsh, so violent, and so unjust, as that then under consideration?

* See Vol. 17, p. p. 682, 905, 914.

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Nor was the Bill so objectionable in the point of view that he had placed it in, as it was in another, to which it yet remained for him to advert: no, it was harmless as the waste paper on the table, compared to the consequences that must necessarily follow to the liberties and constitution of the country, should such a lamentable misfortune occur as the passing of it into a law. The Bill was calculated to increase the influence of the crown, and that in a degree beyond all precedent, enormous and alarming. Its obvious and unavoidable effect would be to transfer the boundless patronage of the Indies to the crown, or rather to vest it for five years in the person of the minister and his adherents, whether in or out of power. This was a consideration infinitely greater than any he had mentioned before. What was it but to lift a right hon. gentleman into a situation wholly unknown to our constitution; a situation from which he could not be driven or moved till he chose voluntarily to abdicate his dictatorship? The right hon. gentleman had, indeed, talked of a term of years, at the expiration of which the commission was to cease and determine; but he had too good an opinion of his talents, too high a sense of his spirit and daring ambition, to suppose that, having possessed himself of such inordinate power, he would ever condescend to lay it down, or to become once more an humble individual: it was not in human nature, it was not, he was sure, in the power of any man in that House to perform such an act of self-denial. That he did not colour this too strongly, was easy to be proved: the Bill was full of blanks, and these blanks were to be filled by that House. It was talking a parliamentary language, to say the minister was to fill the blanks, and that the seven commissioners were the seven nominees of the minister. Seven commissioners, chosen by parliament ostensibly, but, in reality, by the servants of the crown, were to involve, in the vortex of their authority, the whole treasures of India. These poured forth, like an irresistible flood upon this country, would sweep away our liberties, and all that we could call our own. If the right hon. secretary, two nights ago, was afraid of the influence of Mr. Hastings, an individual who would have been unknown in this country, but for his connection with India; if he expressed a fear lest the patronage that Mr. Hastings possessed might defeat the progress of his Bill, and shuddered at the idea of Asiatic interest prevailing under the authority and name of a subject unconnected with great families and great factions, over the power of ministry; how much greater reason had the independent members of that House to be afraid lest the wealth and patronage of India, thrown into the hands of uniting factions, and these armed with the power of the crown, should perpetuate their authority, and render it irresistible? To talk of parliament nominating the commissioners for governing India, was to mock the understanding of the House: the commissioners would, to all purposes, be the nominees of the ministers of the crown.

The right hon. Secretary talked of the fluctuations in administration, as a ground for establishing the power of their own creatures and dependents for not a shorter time than five years. He desired the House to advert to this circumstance: it was an attempt to blindfold the House; for, were the commissioners to be appointed by the ministry, the parliament might possibly turn them out of their offices, in case of misdemeanour when in them; but, secured by an act of parliament, protected by the British legislature, they would remain fixed in their seats, and form a basis for the support and stability of that ministry by whom they were created, and to whom, if continued in government, they might reasonably and naturally look for a renewal of their lease of power. But by whom was so bold a scheme, for the increase of their own power, by the increase of that of the crown, planned? Chiefly by the man whose voice had been loudest in the cry, that the influence of the crown was excessive, and big with danger and ruin to the liberties of this country. How small a portion did all that has been taken from that influence bear to the accession that it will receive by this Bill, if suffered to pass into a law! A thousand and ten thousand times greater strength would be added to the crown, than that which by all our reformers had been taken from it. After pursuing this strain with great elaborateness for some time, Mr. Grenville reiterated his appeals to the House on the immediate relation the subject bore to their dearest rights; exclaiming, 'libertas et anima nostra in dubio est!' and concluded with saying, I do not deny that something ought to be done for India, and that with all convenient speed; but as the subject of the Bill brought forward by the

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right hon. secretary and his colleagues in office is of vast importance, and involves in its nature and consequences the liberties and properties of all British subjects, let them then enter upon the consideration of its different clauses coolly, cautiously, and unwillingly, not with the precipitancy and ardour of plunderers, eager to grasp at, and to hold fast their prey.

Lord *John Cavendish* said, that had he been a peer, he would have set his name to the protest adverted to; for, at the time in which it was passed, the situation of the Company justified the manly sentiments which it breathed; but still he would vote for the second reading of the Bill, because he felt that it was absolutely necessary for the support of the East India Company. The Bill then before the House, or some Bill or other calculated to effect a reform of the management of the Company's affairs, was actually necessary; and unless some bill, adapted to such a purpose, was passed, and that immediately, the Company would be forthwith ruined, their credit lost, and the national credit in consequence violently shaken. Let the hon. gentleman look at the situation of the Company at the time to which he had alluded, and at present, and see if they would bear comparison. Then the Company were in distress, it was true; but were they bankrupts? was the revenue a sufferer? At present, it was to the amount of a million in customs, besides the other sums due to government; and the debt was more likely to increase than diminish. With regard to his private opinion as to India, lord John reminded the House that he had delivered it unreservedly in the last session: it remained the same now. He had then said, he wished to God every European could be extirpated from India, and the country resorted to merely on the principles of commerce; by which he meant, that the trade between Great Britain and Indostan might be carried on in like manner as we now carry on our trade with China. But was that possible? Gentlemen knew it was not; and it required little argument to prove that all political measures must be adapted to the circumstances of the times, and the situation of the countries in which they are to be carried into execution, and to which they are to be applied. Fatal experience had proved, and indeed it was almost universally admitted, that the constitution of the Company was radically defective; that it was devoid of vigour, incapable of effect, and pregnant with abuse. The nature of the case called loudly for a new system; in the operation of a new system, power and supremacy must necessarily lodge somewhere; and where could it be placed so properly as in the hands of the crown, subject to the check and control of parliament? This was the characteristic of the system laid down in the Bill; and till a better system, a system more wisely planned, and more likely to be efficacious was suggested, he should consider it his duty to give it every possible support. With regard to the present Bill violating the chartered rights of the Company, it could not avoid it, and it did not set the precedent of such a practice. If the House would advert to the Bill brought in last session by a learned gentleman, and supported by the then administration, they would find the chartered rights of the Company were as much invaded by that Bill as they were by the present.

Captain *Luttrell* said, he was, in truth, more surprised at this attempt to procrastinate the business, than at seeing a right hon. member hastily rise to check the progress of it in the outset, by reprobating the system, because he had observed it to be very unlike that which the late administration had in embryo last year; but he hoped it would lie dormant for ever, unless the plan was a better digested one than what that minister brought forward to regulate the commercial intercourse between this country and America; and which, though an object little inferior to the present in importance, he pressed into a committee when there was not even a House; for he perfectly well remembered observing to a right hon. member who pleaded for postponing the business, owing to the thinness of attendance, that his point might be secured by counting of numbers; and although the then minister forced that Bill through every stage he was able to travel it, with the attendance of less than one hundred members, yet, upon the present occasion, at the very moment that the House and gallery were crowded with members, and almost every man giving a voluntary attendance to his duty that could be brought to it by any compulsory means whatsoever, that right hon. member urged a necessity for the call of the House preceding a second reading of the Bill. He really had hopes, that, upon consideration, the right hon. member would have waved the objection,

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seeing it a feeble, if not an indecent one to make, upon the ground of giving more time to consider the principle of the Bill. He would certainly determine with the right hon. member who proposed it, if the second reading was the only stage in which that objection could be made; or, even if he had hopes that, by studying the letter of the Bill for three weeks, or for three months, he could form a competent judgment, to venture the delivery of his opinion on a subject of such intricacy, and requiring a depth of knowledge, which, by no better means of attaining, he should despair to reach the surface of. He knew the right hon. member who moved the call of the House, possessed a vast fund of information on that and every other political subject; that he was quick in his comprehension, and eloquent in his delivery; he could outrun by the study of of a day, the judgment that most men would acquire by the study of a year; therefore, if the time of the second reading was necessarily the conclusive period to the argument on its principle, that the right hon. member would be fully possessed of materials for it in less than half a week. It was to his arguments, and to such insights into the business as they might gather at the second reading of the Bill, and in its progress through the committee, from the peculiar abilities of the right hon. mover, that those equally dull and uninformed with himself might hope to form a tolerable judgment, whether the principle of it, as well as its component parts, ought to be assented to. The right hon. member should recollect how peremptorily he called upon ministers, not only to bring a proposition forward, but to carry into immediate execution some plan for the better government of India. The necessity of such a measure was seen by every man who would look to the suspension of law and power in that country, and to the want of authority in those who have nominally the direction of it in this. To improve the police and revenue of India in a manner best suited to the honor of Britain, must surely be every man's desire. Why, then, did they differ in the mode of attaining that desirable end? No; where was the alternative? You must either let anarchy and confusion, distrust and distress continue, or adopt some plan of experiment. Those who object to this Bill, bring no other for their choice: perfection is not to be expected in any experimental law. It may require the work of ages to make this perfect; but it has the advantage of coming recommended by one of the most able and active ministers that ever sat on that Treasury bench. He did not pledge himself to adopt the present, or any particular plan; but he certainly liked that proposed, better than leaving the East India affairs in their present state.

Mr. *Herbert* admitted the necessity of adopting a system of reform, for the purpose of relieving the distress and regulating the affairs of the East India Company; but as the system laid down in the Bill was altogether new and extraordinary, he thought the delay of three days could do no harm to the Bill, and was a reasonable matter to be expected.

Governor *Johnstone* said it was generally his lot to stand alone, and be singular in his opinion; and such ever would be the case, where men acted independently, and solely from the unbiassed influence of their own minds. On the present occasion, he as much differed from the opinions of the gentlemen on the side of the House on which he stood, as from those of the ministry and their supporters. If there really was as much necessity for a new system as gentlemen were all ready to admit, he would be fair to say, the bold proposition of the right hon. Secretary would be more advisable than the half-measure proposed by the late ministry last session. Before the necessity was admitted, it ought to be proved. He expatiated on the violence and injustice of intermeddling in the affairs of the Company, without trying them, and proving any delinquency against them. It had been urged as a reason for controlling the Company's affairs, that they were in a condition of bankruptcy. He insisted, that their affairs were in a very good train, if government would only leave them alone. He said, that during the pressing exigencies of the Mahratta war, Mr. Hastings had drawn on government, and lord North had accepted his bills, and given him leave to draw more upon the Treasury, which were not accepted. He contended, that government was bound to pay bills of the Company to the amount of 600,000*l.*; and that it was exceedingly unjust and hard that the Company should be charged with bankruptcy, which the failure of government in their promise had occasioned. He said, that affairs had been better managed in India than in America; that undoubtedly infinitely more money and



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lives had been wasted on America, which we had lost, than on the East Indies, which we had retained: yet all the cry of reform, at present, was founded in the pretended misconduct of Mr. Hastings. Matters at no period had been in a more flourishing situation in India, since ever we had any footing there. The revenue was greater than it ever had been, and more faithfully collected. It was true, there had been an interruption in remittances, and some millions had been expended in India, which we expected should come home; but the war made this necessary—a very terrible war, carried on by the French, the Mahrattas, and Hyder Ally—a war, he would maintain, as difficult as threatening in its first appearances, although more prosperous in its issue, because conducted with greater vigour and wisdom than the war with America. The great point he contended for was, that the House, before they should advance to any serious discussion of the Bill, should hear the Company by counsel at their bar. Last year they had excellent counsel, he said, of which (alluding to Mr. Erskine) they were now deprived. He himself, with some other proprietors, had called upon the directors to summon a court of proprietors; and in compliance with his desire, they had called one, to meet so early as to-morrow; and he understood from some gentlemen of the law to whom he had spoken, that they could not receive their instructions, and be ready to appear before the House, to argue against the Bill, in less than ten days: it was for this reason alone that he wished for a delay of a few days; and he did not think that he asked for too much, when there was an intention of opposing with every argument that law could furnish, a Bill which went to dispossess the Company of every thing, even of their papers, books, and house in Leadenhall-street. The Bill had come suddenly upon gentlemen, even the chairman of the Company had not heard of it till it had been opened by the right hon. Secretary; for he himself had asked him in private, and had got a friend to ask him in the court of directors, if he had heard of it before; and he declared upon his honour that he had not.

Sir *Henry Fletcher* said, that he had been applied to in the court of directors to say, if he knew in what manner the Company was to be attacked by government: if he had been well informed on this subject by his Majesty's ministers, he must have received his information either officially, and then it would have been criminal in him not to have communicated it immediately to the court, or confidentially, and in that case he could not reveal what he had so heard without a breach of confidence; he therefore answered, that in truth he knew not what plan his Majesty's ministers would adopt, for they had not made him acquainted with their intentions, which was the fact. As to the question before the House, he thought it his duty to vote for it, because he knew the Company's affairs to be in a situation, such as they had never been in before: formerly they had been obliged to apply to parliament for pecuniary assistance; but even then they were able to pay customs to the crown: but now the debt due to the king amounted to near two millions; and the state of our settlements was such, that he was afraid the most fatal consequences would ensue, if something was not done by parliament without the least delay: the governments of Bengal and Bombay were actually engaged in a paper war, each throwing upon the other the blame of being the authors of the Mahratta war: the governments of Bengal and Madras were in a still worse situation; for the governor-general and council of the former had carried matters so far as to debate this question, "Whether the governor and council of Madras should not be all removed?" and the point was so seriously debated, that the question was negatived only by a majority of one; so that if that one person should fall off, the question would then be carried; and God alone could foresee the consequences. He was therefore of opinion, that parliament had not a moment to lose; their proceedings ought to be wound up by February, that the result of them might be sent out with the ships in that month; for if they should not sail then, a very short delay here, after that season for going to India, might in the end make a difference of three or four months in the arrival in that country: after the commissioners should be named by the act of parliament, they ought to have five or six weeks to prepare their instructions for the different governments in India; and therefore he was of opinion that this Bill, or some other, ought to pass without a moment's loss of time.

Mr. *Anstruther* spoke for the first time. He declared, that when he reflected that the affairs of the Company were in a state

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of anarchy abroad, and confusion, if not bankruptcy, at home, he was of opinion there was no longer time for delay. The grounds upon which gentlemen would form their opinions with regard to the Bill, would be the matters of fact which the select and secret committees had laid before them, and the reasonings or judgment of the House upon those facts. Their determinations would flow either from a simple view of facts, or be founded on reasonings or arguments *à priori*. In whichever of these ways they should form their opinions, there could not be any pretext for procrastination. The radical defects in the present system of India affairs, were already pointed out by the committees. These defects being understood, and all the facts they expected being before them, there could be no good reason for delaying the consideration of business so pressing for a moment, especially when they considered the Bill, after its spirit and tendency had been canvassed in the committee, might, if disliked on the whole, be opposed on the third reading.

Lord *Apsley* observed, that although much matter had been laid before the House by the committees, and they had also pointed out the radical defects in the system upon which this nation had governed India, yet no specific proposition had been submitted before Tuesday last, whereby those defects might be remedied: they ought to be allowed time to discuss a matter of so much importance, to weigh its consequences maturely, and to take care, before they trusted the minister with so much power, that it was not an engine capable of undermining the constitution. The avowed object of the business was to support the tottering credit of the Company, to preserve our territorial acquisitions in India, and to give happiness and security to the natives of that quarter of the globe; to proceed with indecent haste in a business so momentous, would rather resemble the rapacity of plunderers, than the steady pace of well-meaning friends.

Mr. *Yorke* spoke against the motion, and contended strongly for the adjournment.

General *Smith* was for the motion. He entered into the defence of the select committee, which had been so often abused. That committee had given way to no personal animosities, to no private designs; but were actuated by the single principle of restoring the state of Indostan to the peace and security which was the equal right of all the human race. He read an extract of a letter from a person in high rank at Calcutta, stating the general satisfaction that the Bill for regulating the supreme court of judicature in Bengal had given to all the natives: this Bill had taken its rise in the select committee; and though it was called general Smith's Bill, the merit of it was due to his right hon. friend (Mr. Burke); for, except some local knowledge which he had imparted to him, the whole of it belonged of right to that right hon. member. As to the Mahratta war, it was now so odious, that no one was willing to allow himself to be the author of it; hence sprang the paper war between the governments of Bengal and Bombay. But he would state that matter in its true light. The latter, unquestionably, began the war: but after the capture of the detachment that was marched over the peninsula of India, the war might be said to have ceased, for hostilities were completely abandoned; not because any peace or truce had been concluded, but because, by a singular disposition of the Mahrattas, unexampled in the annals of Europe, they felt no inclination to go on with the war. After this period, Mr. Hastings sent orders to colonel Goddard, to send certain propositions to the Mahratta ministers, to which a categorical answer was to be demanded to be given in 24 hours. The whole council protested against these orders, saying, that they would inevitably produce a war: the orders, however, were peremptory, and were therefore obeyed; a war was the consequence; who, then, could be said to have been the true author of it? The question answered itself.

Mr. *Jenkinson* imagined, that the point which wanted most to be determined was, whether the Bill ought to be read a second time next Thursday, or put off till the House had been called over. He could see but little difficulty in determining that point; for if the object before them was interesting, it certainly was the duty of every one present to prolong the time before its investigation to the latest period. He stated the commission as the setting up within the realm a species of executive government, independent of the check or controul of the crown. This he deemed an innovation on the constitution, and therefore a matter that ought to be most seriously examined. He charged the system also with injustice, inasmuch as in the right hon. secretary's opening it

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the other day, he had rested the necessity of it entirely on the misconduct of the governor-general in India; whereas, by the operation of the system, the faults of the servants were to be punished on the masters. He said several things respecting the very dangerous tendency of the Bill, and exposed the boldness of the men who could venture to propose a measure that threatened such ruinous consequences to British liberty. But his chief force was directed against the influence which ministers were likely to derive from the event of such a terrible system. He said it would not only give them an unbounded power over the interests and possessions of the East, but render their posts so formidable, as to endanger the rights of every free Englishman.

Mr. *John Scott** gave the House the first specimen of his talents. He said, as he had not had it in his power to give that patient consideration to the business which its importance demanded, he should be obliged to confine himself to a narrow view of the subject. Gentlemen who resided at a distance, and who were not nearly concerned in the fate of any inquiry, were but ill qualified to give a just and decided opinion; for it was a very necessary thing to consider before one could conclude, and to deliberate maturely before one could decide. This process he had not observed; he was nevertheless clear to say, that the Bill seemed to him rather of a dangerous tendency; but he would not declare against it; he would rather wait till he had got more light thrown upon the subject; and as he was attached to no particular party, he would then vote as justice seemed to direct. The two principal things which, in his opinion, the House ought particularly to inquire into, were, 'whether the Bill was indeed necessary, and whether it was calculated to answer all the ends proposed by it?' With regard to the first, it was the general opinion of both parties, that some new system was necessary; and he thought it incumbent on the wisdom of the great senate of the nation, to give effect to the one now held forth to them, or to reject it, and propose another, as the interest of the nation should appear to be increased or diminished by it. Respecting the second head, he could not say any thing decisive; the researches of the House could ascertain that, and nothing else; and for his part, he was determined to add his endeavours, and to join issue in that cause, which should promise the most happiness and prosperity to the nation. The influence of the crown, he said, had been much diminished of late; and certainly, for the two last years, it had not been increasing. Whether the Bill would increase it or no, he should be able to ascertain by Tuesday se'nnight. He meant to give an opinion upon it, and he would assure the House, he would form it elaborately; and when he gave it, it should be an honest one. He thought there ought to be a time allowed for gentlemen not yet in town to come up: had not his professional avocations called him to town, he declared he should have been still in the country: he was nevertheless aware, that India affairs were expected to come on soon, and that his Majesty had given the House notice of it in his Speech from the throne. But in that Speech they were called upon to consider and deliberate; and it was now evident the minister, instead of desiring them to consider, meant that they should conclude, and that they should decide instead of deliberate. In the multitude of counsellors, he said, there was wisdom; from that principle, he hoped gentlemen would be disposed to join unanimously in devising the means of restoring the power and riches of the state.

Mr. Secretary *Fox* paid some very handsome compliments to the gentleman that had just spoken, and expressed a high opinion of his abilities and his goodness. Though he had not had the pleasure of hearing him speak before in that House, yet he was not a stranger to his eloquence, and did not doubt of hearing it employed at all times on the side of equity. He could not, however, forbear taking notice of one thing that had fallen from the hon. gentleman's mouth: he had observed, that before one could decide, it was necessary to deliberate. But how had he acted in the instant business? Not, surely, consistently with the maxim he had laid down; for, without any opportunity of deliberating, he had ventured to give his decision, and he thought with a good deal of positiveness. The right hon. Secretary observed, that he could foretel what was to come from an hon. gentleman on the opposite side (Mr. Jenkinson) long before it came to his turn to speak. He well knew that the

* The present Lord Chancellor Eldon. (A. D. 1814.)

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crown influence, which was a favourite topic with the hon. gentleman who first opposed the motion, would be taken up by him. He could not blame him for taking up his friend's cause, although he thought that it would not have been done in the manner it had been. To see each gentleman acting by instructions, and speaking what his friend had broached, was rather to view them in an inferior light: he really thought that they were both able enough, at least they ought to be able enough, to think and speak for themselves. But when he heard the doctrine of separating the crown and its ministers, and talking of them as divided interests, broached by the hon. gentleman who opened the debate, he looked immediately at the last speaker but one, convinced that he would be the leading speaker of the day, for that such a doctrine could originate in no other quarter. In some respects, indeed, the ministers and the crown were distinct objects; where the measures of government called for censure or punishment, there the ministers alone were responsible; but with regard to most other points of view, nothing could be so egregious as the endeavour to draw a distinction. In the present case, in order to guard as much as possible against the danger of increasing the influence of the crown, the ministers were loaded with a responsibility that balanced their power, and insured to the people that no ill use would be made of it; besides, who were appointed to check and control it but that House? With regard to that crown power, or rather ministerial power, for so they had absurdly called it, he saw no difficulty in answering all the objections that had been started to his Bill on that account; for it never was intended that the crown influence should be increased by the plan proposed, at least but in a small degree. The appointment of the commissioners was in the hands of parliament; and he hoped parliament would at all times keep a watchful eye to the proceedings of administration. When his principles led him to oppose ministry, he always viewed the measures of administration with jealous attention; and it was his wish, to have his actions scrutinized by parliament; it was their undoubted right to do so, and he hoped it was a right they never would lose sight of. He could not, he said, dismiss the topic, without combatting a little the witty, but at the same time invidious, distinction that had been made between ministerial power and crown power; for his part, he could discover no ground for the distinction; he had always considered, that whatever conferred power on the ministry, conferred at the same time an equal share of power on the crown, and *vice versâ*. There were perhaps some little circumstances in which their interests might not altogether clash; but these were few indeed, and of no moment. —The right hon. Secretary now attacked the references which Mr. Grenville had made to the protests of some noble lords, amongst which was the respectable one of the marquis of Rockingham, and some others now high in station. As the hon. gentleman, and his relation in the other House, were both able to speak for themselves, it would be quite as proper if they catered less for each other, and delivered in their different situations what better belonged to those situations respectively. Had that been the case, we should not have heard in the other House, on the first day of the session, a laboured harangue about the definitive treaty not being completed with Holland, nor that day in the House in which he was then speaking, an extract from a protest in the House of Lords. He said, the House of Commons was not to be guided by the decisions of any court whatever, in matters which properly belonged to itself; and however weighty in the business before the House the hon. gentleman might suppose those protests, he could assure him that they appeared not of such force to him. Those noble lords were, perhaps, right in giving in their protest; but had the gentlemen considered whether their motives were not different from any motives that might be supposed to influence the opposers of the Bill under consideration? Gentlemen would recollect, that on the first day of the session he was called upon by a right hon. gentleman to bring forward no palliative, no half measure. How inconsistent, then, was it now to arraign that for being too bold, which it was declared then could not be too vigorous! But the fact was this: the right hon. gentleman was loud in calling for it—why? Because he thought no system was ready. This explained his language then, and the very opposite language he opposed to the system when it was brought forward. The state of affairs in India at that moment, he said, was such, that even a palliative remedy was desirable; but it was not his

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intention to redress the grievances of India by palliatives only, he wished to see something done that might penetrate to the root of the disease, and he made no doubt but gentlemen would find the remedy that had been proposed equal to the end it had in view. The several clauses had been read; and when they were understood, (for at present they seemed to be grossly misrepresented), he flattered himself the language of the House would be different. As to the proposition for deferring the consideration of the Bill till the House had been called over, he could see no good end to be gained by that. Submitted it must be to the consideration of the other House; and as they did not know what time their lordships might chuse to detain it, as they would certainly detain it as long as was consistent with the dignity of the House they sat in; as that was the case, he thought that no time ought to be lost. Gentlemen who wished to be prepared, had time enough to do so before Thursday; and he could look upon the desire of a long delay as nothing but a subterfuge to defeat the purposes of the Bill: it was, indeed, in that light he viewed the conduct of the right hon. gentleman who moved the House for a call of the members: he wished to have the House called, because he knew they would not come. Had he proposed the day which the right hon. gentleman proposed, he was sure he would have mentioned some posterior one. The very business before them, he said, had been hinted at, and not obscurely, sometime towards the conclusion of last session; and besides, it was both mentioned in his Majesty's Speech which closed that session, and that with which he opened the present; so that there was no just ground for pleading want of information of the affairs before them. He concluded with saying, that he did not despair of seeing a happy issue of that political system which had been supposed to have its rise in despotism, and its foundation in corruption.

Mr. *W. Pitt* replied to Mr. Fox in an ironical manner. There were, he said, many weighty reasons that induced him to reject and detest the Bill. The accession of power, which it would most certainly bring to the minister of this day, was not the least considerable of these. He dreaded the idea of seeing ministers armed with an influence which could not fail of rendering them dangerous to the state; and he dreaded the effects of that influence the more, that its operations were not likely to end with the dissolution of the ministry that possessed it: their privileges would be so extensive, as to gain them a party that no power could resist, whether they were in power or out of power. The right hon. Secretary was so conscious of the injustice and insufficiency of his plea, that no sooner had he affirmed that the power of the crown and of the ministry were one, than he immediately added, in some little matters, perhaps, they might differ. We hope, said Mr. Pitt, they do differ very materially: whenever a minister trespasses the bounds of moderation, or of justice, we hope we shall always be able to distinguish the minister from the sovereign. The right hon. gentleman has been at pains to attempt reconciling interests and powers, which are believed to be different: it must be confessed, that he has a very rare talent at reconciling inconsistencies.—The right hon. gentleman said, that it was his sincere wish, that a Bill, so big with ruin to the nation, might be checked in its progress: he pledged himself to the House, that he would willingly take the field with his antagonist, and dispute every article that seemed to militate against the freedom and felicity of his countrymen. He had been at pains to try if he could but define the reasons, or even the motives, that led to so new, so insolent, and so precipitate an attack, on the rights and liberties of mankind; but he could discover no reason except one, that, by introducing the Bill at so early a period of the session, and hurrying it through the House without allowing it a full discussion, he might obtain the noble end of settling the ministers in unbounded and absolute power. The right hon. Secretary had talked much of the necessity of reformation in the laws of India; but reformation did not seem to be his plan; he did not seem to shew a disposition to cure the disease by correctives; he must at once, by one bold experiment, exterminate the very seeds of disorder. The right, he added, by which our gracious sovereign holds the sceptre, is not more indisputably confirmed, than that by which the East India Company hold those deeds, and those territorial and commercial emoluments, which the hand of oppression is now about to wrest from them. He said, he would not take the sense of the House on the question, but would

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leave the infamy of the intrigue to their own heads.

Mr. *Erskine* spoke, for the first time. He said it was curious enough to hear a right hon. member who opposed the motion, express such a tenderness for the chartered rights of the Company, though he had in that House endeavoured to rob of their chartered franchises so many electors in this country, whose rights to their franchises were nearly as old as the constitution. As to the right of the legislature to interfere with charters, the right hon. member had often maintained in that House, that the power of governing ought to be extensive with the thing governed: now he would leave it to the ingenuity of the right hon. member, to reconcile his language that night with this principle. But the delay was to be granted for the purpose of procuring a full attendance of members; for his part, he remembered, that on Tuesday night he wished to have addressed the House on this very subject, but being seated under the gallery, and not being sufficiently acquainted with the orders of the House to know whether he could speak from that place or not, and not being able to find another in the House, it being so thronged, he was obliged to desist from his purpose. After that circumstance, he was surprised to hear gentlemen wish for a delay, in order to procure a full attendance. But it was that gentlemen might he informed, before they should be called on to give a vote: here, however, the right hon. opposer of the motion forgot himself; for if this was the real object of the delay, it would answer no good end, as the right hon. member was willing that the Bill should be read a second time on Tuesday se'nnight, that was on the day after the call of the House, and before the call should take place. Hence it would follow, either that those who were already well acquainted with the matter should wait the arrival of persons, who, after all, would be called upon to decide before they could have time to deliberate; or, that those who knew nothing of the matter, might outvote those who did; and might consequently defeat a system, which, for ought they knew to the contrary, might be most salutary. He reminded the House, that when sitting on the honour, character, and fortune of an Englishman last year, while he was pleading at their bar, the House was counted out: were the chartered rights of a company more valuable and more dear than the personal consideration of an individual? He remarked, that an hon. gentleman had done him the honour to lament his loss to the Company as their pleader; he knew not that he deserved this honour; but he assured the hon. gentleman, the Company should find him their counsel and their friend; for he considered the present Bill as holding out the helping, not the avenging hand of government.

Mr. *Arden* said, that an hon. member had, the other day, taken upon him the office of Mr. Fox's panegyrist; he had extolled him to the skies, and described him as embracing the whole globe with his comprehensive eye. He did not doubt the truth of all that; he had only to wish that he could turn his eye to the East, and undeceive himself in some instances that seemed to refute the assertions of his panegyrist. The right hon. secretary had promised them a system that was to establish the liberty of India, and aggrandize the subjects of Britain; he wished he could see it. He said, there was a time, when, if such a proposition had been made, the right hon. gentleman would have been upon a stage in the streets the next. He ridiculed the scheme as the most futile and frivolous that ever wore the name of a well-digested system. What was it but saying, "Leave the whole to me and my seven assistants, and I'll answer for all doing well." He declared, he regarded lord North as a king, and the right hon. gentleman as an emperor—the emperor of the East! The seven commissioners also might be considered as seven emperors, seven holy Roman emperors, tributary and subordinate to the emperor of the East. The advantageous situation in which the right hon. gentleman meant to place himself was, he said, an ample recompence for a ten years opposition.

Mr. *Burke* replied with much warmth, and ridiculed and reprobated the conduct of opposition, as the most unjust and unprecedented ever known or practised. Their arguments, he said, were arguments of the heart, and not of the head, and therefore were incapable of an answer. They knew their own base minds, and therefore imputed base motives to others, when they could not arraign the system itself. Mr. Burke talked of his labours in watching and examining the nature of the patient's disease, as if he felt the ingratitude of those who did not consider their value. He said, he had sat by the

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bed-side of the patient for several years, and now he knew the patient's habit and constitution, and was perfectly acquainted with the force and tendency of the disorder, and what was the fit recipe. Opposition, perfectly ignorant of each, came and exclaimed against the violence of the medicine: opposition said, these bolusses are too large, this purge is too strong, this blister too broad, you are going to take away too much blood, and you will kill the patient. This was, he said, the exclamation of ignorance and folly. He also reprobated the scurrilous invectives which they prematurely applied to a plan that they were perfectly and confessedly unacquainted with. The hon. gentlemen (Mr. W. Pitt and Mr. Grenville) were sounding the trumpet of alarm, and exciting tumults against a system which would operate to the deliverance of the empire.

Mr. *Wilberforce* answered Mr. Burke, and, with humour and ability, compared the seven commissioners to seven physicians and eight apothecaries, come to put the patient to death *secundum artem*. After laughing with this idea, he became more serious, and said, he wished that in the end, if the present Bill passed, we might not see the government of Great Britain set up in India, instead of that of India in Great Britain.

Mr. *T. Pitt* declared, that if he happily possessed a warning voice, he would endeavour to make it be heard against a Bill of so alarming a nature in the remotest corners of the kingdom.

The question was carried without a division.

*Petitions from the East India Company against Mr. Fox's India Bill.*] Nov. 24. Sir *Henry Fletcher* presented a Petition from the East India Company, taking notice of the Bill, for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public; and setting forth, "That the said Bill destroys the continuation, and wholly subverts the rights and privileges, granted to the petitioners by charter, made for valuable considerations, and confirmed by divers acts of parliament; and that the said Bill operates as a total confiscation of the property of the petitioners, by impowering certain commissioners, to be therein named, to seize and take possession of all the lands, tenements, houses, warehouses, and other buildings; books, records, charters, letters, and other papers; ships, vessels, goods, wares, merchandizes, money, securities for money, and other effects, belonging to the petitioners, and to order and dispose thereof at their will and pleasure; and this without charging the petitioners with any specific delinquency, or stating any just ground by which the petitioners' rights and privileges ought to be forfeited, or their property to be seized; a proceeding contrary to the most sacred privilege of British subjects, that of being tried and convicted, upon a specific charge, before judgment is passed against them, in any case whatsoever; and therefore praying, that the acts of delinquency which can be alleged against the petitioners, or other just ground (if any) for subverting the petitioners' constitution, and divesting them of their rights and privileges, and seizing their property, by a measure so alarming, and in a manner so extraordinary, may be stated in writing, and that the petitioners may be allowed a reasonable time to answer the same, and make their defence thereon; and that the petitioners may be heard, by themselves or their counsel, against the said Bill."

Ordered to lie on the table, and the petitioners to be heard by their counsel.

Nov. 25. Sir *Henry Fletcher* presented a Petition from the Court of Directors of the East India Company, setting forth, "That the petitioners respectively have been duly elected and admitted to the office of directors of the said united Company, pursuant to, and under the authority of, the charter of the said united Company, and divers acts of parliament, and particularly under the authority of an Act, made in the 13th of his present Majesty, intituled, 'An Act for establishing certain 'regulations for the better management 'of the affairs of the East India Company, 'as well in India as in Europe,' by which said Act the petitioners, as directors of the said Company, are entitled to hold their respective offices for the term of four years from the time of their election, and cannot legally be removed from the same without some breach of duty, or misconduct in their said offices; and that the petitioners are informed, that a Bill is depending in the House, for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public,



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whereby it is proposed to remove and displace the petitioners from their said offices of directors of the said Company, and to deprive them of their franchises and rights, although the petitioners are not thereby charged with any specific offence, whereby the same ought to be, or can be, forfeited; and that the petitioners cannot but feel the injury intended to be done to them by the said Bill, in depriving them of their rights and franchises without just cause; nevertheless they would forbear to address the House, if more important considerations were not involved in the measure; but the petitioners owe it as a duty to themselves, superior to any consideration affecting their legal rights, to endeavour to avert that injury which they must receive in their characters and good names, by their removal in the manner as proposed to be done by the said Bill; and that their duty to their constituents also requires them to represent to the House, that, since the 18th of November instant, a general alarm and apprehension of the desperate state of the Company's affairs hath gone forth to the public at large; and the credit of the Company, already affected by the necessary expenditure of the late war, and unavoidable participation of the common calamities which have fallen upon the whole of the British empire, hath thereby received a most severe shock: and therefore praying, that if they are suspected by the House of having been guilty of any acts of a criminal nature, that the same may be specifically stated, a reasonable time given to make their defence, and that they may be heard, by themselves or their counsel, against the said Bill; but, above all, the petitioners entreat, from the justice of the House, that a public examination may be immediately made, in such manner as to the House shall seem fit, into the true state of the Company's circumstances, when the petitioners hope to prove the situation of the Company's affairs to be such, that, with a moderate and temporary relief from the wisdom of parliament, their credit cannot fail to be firmly established, and the public faith preserved."

On the motion, that the petitioners be heard by their counsel,

Mr. *Fox* said, he did not rise to oppose the motion; but as the petition mentioned the state of their finances, as if it had been misrepresented, he thought it necessary to say, when, on a former day, he stated the Company to owe eight millions, he must have been greatly misconceived, if any one understood him to mean by this, that the Company was bankrupt for eight millions, or that it owed eight millions more than it had effects to pay with.

Mr. *W. Pitt* said, that he, for one, and he believed many others, did understand from the right hon. gentleman, that the Company was bankrupt for eight millions; that is to say, that it owed eight millions more than it had effects to pay with: he was glad, however, to hear that fact now publicly disavowed; and as the bankruptcy of the Company was made the pretence for robbing the proprietors of their chartered rights, he hoped gentlemen would not easily adopt the most violent and unjust measures, when the very grounds on which those measures had been stated to be necessary, were now publicly disclaimed. He had been given to understand that the accounts of the Company's finances, as stated by the right hon. gentleman on a former day, were fallacious; and this was an assertion, which, if he was well informed, the directors were ready to prove at the bar of the House. He warned gentlemen, therefore, how they gave countenance to a proceeding the most arbitrary, the most violent, and the most contrary to the spirit of all law, of any that had ever been proposed to any assembly. He had heard, from undoubted authority, that the Company were ready to prove at the bar, that the right hon. gentleman had made omissions in his statement of their affairs to an enormous amount indeed; and such omissions as were of the most gross and palpable nature. As, therefore, the distress of the Company, and the disordered state of their affairs, made up the necessity, avowed to be the only plea to justify such a Bill, it behoved that House to inquire minutely into the truth or falsehood of the several facts stated to the House as constituting that necessity, and to ascertain to what extent the necessity existed. That there was a necessity for parliament to interpose, and by some sort of salutary regulation to relieve and support the Company, was on all hands admitted: that there was a necessity for applying so violent a measure as the Bill then depending, he very greatly doubted, and the Company confidently denied. That denial they rested on the real state of their affairs, a state far different from that given to the House by the right hon. Secretary, and a state, the validity of



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which the court of directors and the Company apprehended they should be able to make appear on the grounds of unanswerable evidence. With regard to the petition that had been just read, he conceived the court of directors had, in that petition, called forth the attention of the House to two points, viz. that the Bill depending went to effect a gross violation of their legal rights, and that it implied an impeachment of their integrity, as directors of the Company; the petition complained also, that the Bill aimed at effecting both those points, without any one specific charge of delinquency on their part having been previously alleged or proved. Before men were proceeded against in so violent a manner, they ought to be proved to have merited such vengeance. He wished it, therefore, to be understood, whether it was intended to give the court of directors a fair opportunity of defending themselves, and disproving the statement of the affairs of the Company that had been given to that House, before the Bill was farther proceeded in. Government ought to say in what manner they meant to act, and whether every paper, and every account that could elucidate the subject, would be permitted to be fully discussed, examined, and ascertained, previous to urging any farther a Bill, manifestly tending to overturn the legal rights of the Company, and of the public.

Mr. *Fox* said, that no doubt every species of evidence would be attended to by the House: the second reading of the Bill would, in his opinion, be the proper stage for hearing evidence; the Company's counsel would propose the mode of opening it, and the House would consider of that mode. After having said thus much, he observed, that this was not the time to debate the merits of the measure; but he could not help observing, that if he was inclined to enter into argument with the right hon. gentleman, he had given him a most desirable opportunity; for, before any measure was proposed to the House, the right hon. member, thinking, no doubt, that no plan had as yet been formed, called out for a well-digested system, a system that should embrace every part of the government of India; declaring, that no palliative or half measure would cure the evil from which the distresses of the Company had proceeded: but, now that a comprehensive plan was before parliament, the right hon. gentleman's language was altered, and his mighty system, his anti-palliative, anti-half-measure system was softened down into the more calm and moderate proposition of some salutary regulations.

Mr. *W. Pitt* said, there was a medium between half measures and measures of the extremest rigour. It was not necessary for him then to go into an explanation of what he had meant on the first day of the session, when he talked of palliatives; but he would venture to assert, that the man would not be disgraced, who, in applying a remedy to a case of the greatest importance, should prefer a lenient regulation to a regulation like that proposed in the Bill of the right hon. gentleman, which was considered by most men as a measure of unparalleled violence and oppression.

Mr. *Burke* said, that the right hon. gentleman who had so roundly and confidently asserted that the accounts given of the finances of the Company were fallacious, ought, when he ventured to make that assertion, to be prepared with documents that would clearly prove the fallacy of the statement made by his right hon. friend: the House would hold him pledged to prove what he had with so much confidence advanced. He would warn him, however, to take care, when he should set about to collect his materials, to take into his account not only the probable benefits the Company might reap from certain eventual arrivals of ships, but also the probable and eventual debts that might be incurred; and over and above this, he should be able to prove that the Company's affairs would not be in danger of being brought any more into the distress which made the interposition of parliament necessary on the present occasion: and if he could not prove this last point, it would avail little to prove the first; and his salutary measures would be of no use. Violent measures, and salutary measures, were big words; and they meant nearly the same thing, that was to say—nothing. Mr. Burke considered Mr. Pitt as pledged to prove his right hon. friend's state of the Company's affairs false and fallacious; and said, he might not find it so easy a matter to do that, as to talk of it in the most vehement and offensive language. The threats and menaces he had held out, would not, he assured the hon. gentleman, shake the firmness of a man, though they might operate as bugbears to frighten children. Which was the true, and which was the false state of the account, remained

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to be proved, and could only be deduced from a fair examination of the papers on the table. He warned the House, however, from the extreme danger of trusting too implicitly to assertions made at the bar, or accounts or papers produced there, because the House had it not in their power to investigate and deliberate upon such evidence, so as to enable themselves to ascertain what degree of credit they deserved.

Mr. *T. Pitt* begged that the House would not suppose his right hon. friend (Mr. W. Pitt) had pledged himself to prove the statement of the right hon. Secretary, on a former occasion, to be fallacious; all he had said was, that he was informed that the Company could prove at the bar the fallacy of the statement. His right hon. friend had, on a former day, called for a well-digested system for the government of India; but it did not follow from this, that he should approve of a system that appeared to him big with violence and injustice; that he should countenance others in applying a remedy infinitely worse than the disease; a remedy which would operate by the extinction of the patient. He had said that no palliative, no half measure, would be adequate to the necessity; but it was by no means his intention to say that such a Bill as this should be introduced. Before, therefore, it could be expected that a Bill, which had spread such a general alarm, should meet with the concurrence of that House, the necessity on which such a Bill was declared to be grounded ought to be established beyond all contradiction.

The motion was agreed to.

Nov. 26. Mr. Fox brought in his second Bil lrelative to India; it was intituled, "A Bill for the better government of the territorial acquisitions and dependencies in India."

Sir *E. Astley* said, he did not mean to oppose the Bill then; but he still thought that gentlemen ought to proceed with caution in a measure, by which so much influence would be thrown into the hands of the crown. A Bill of infinitely less moment, which gave infinitely less influence, had been opposed by some of the first and best men in this country, because it tended to increase, though in a small degree, the influence of the crown and its ministers: if therefore a measure should be adopted that would put ministers into possession of an extent of patronage, immense in every sense of the word, and that might in its consequences threaten the liberties and constitution of this country, gentlemen might then find it necessary to come again to vote, 'that the influence of the crown has increased, is increasing, and ought to be diminished.' He was ready to allow, that, from the present state of the Company's affairs, some regulations were necessary; nay, perhaps more so, since the late news had arrived: he was ready also to allow, that a company of merchants were not qualified to govern great territorial possessions; but still he had a right to be on his guard, lest the measures proposed to remedy the evil complained of, should prove ruinous to the liberty of this country.

Mr. Secretary *Fox* observed, that the hon. baronet's remarks were pointed not against the Bill immediately under consideration, but against the other which he had the honour to present a few days ago. With respect to the influence that it would give to the crown, it would be the duty of its opposers to shew that it was unnecessarily proposed, and that influence was the object, and not an adventitious circumstance in the Bill. This sort of opposition was fair and parliamentary, and he hoped it would be followed. He hoped, that no gentleman would object to the Bill singly, or consider it in a single point of view; but that, while it was stated that the Bill tended to increase the influence of the crown: the necessity of adopting some measure respecting the future government of India would be taken into consideration, and then the question with respect to the influence of the crown would stand on its true grounds; and the only point in doubt would be, whether the Bill, that was to be read a second time the next day, increased the influence of the crown in a manner that was unnecessary. He was glad, however, to hear the hon. baronet say that he felt the necessity of making some regulations, and that a company of merchants were not fit to govern a vast tract of territorial possessions. As to the Bill immediately before the House, its principle was clearly unobjectionable on the score of influence; for so far from giving any influence, this Bill was particularly to guard against it: he presumed, therefore, that there would be no opposition to the sending of the Bill to the committee; for whatever objection could arise, it must, in his opinion, be to the provisions, and not to the Bill itself: he was not so

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vain as to suppose that he could frame a Bill that embraced so many objects, and contained so great a number of regulations, which should not be liable in many places to objections: it would be for the wisdom of the committee to make such alterations in the clauses as they should judge necessary.

Sir *E. Astley* begged pardon of the House for having confounded the two different bills; it certainly was to the bill which was not then before the House, that he had risen to speak.

Mr. *W. Pitt* said, that it was not possible for him to form a just judgment of a Bill of such a length, from the cursory manner in which it had been read; but as far as he could judge, he was free to say that the principle of it did not strike him, as being at all a-kin to that of the other bill which was brought in last week by the right hon. Secretary; and at present he saw no objection to its going to a committee. However, it could not be expected that he should pledge himself to support it, or any part of it, until he should have read and well considered the whole of the Bill.

The Bill was ordered to be read a second time on Tuesday.

*Debate in the Commons on the Second Reading of Mr. Fox's East India Bill.*] Nov. 27. A Petition was presented from the lord mayor, aldermen, and commons, of the city of London, in common council assembled; setting forth,

"That the petitioners observe, by the votes, that a Bill is depending before the House, for vesting the affairs of the East India Company in certain commissioners, for the benefit of the proprietors and the public; and that the said Bill, which directs a seizure and confiscation of powers, privileges, and property, granted by charter, secured and confirmed by various acts of parliament, hath exceedingly alarmed the petitioners, and raised their fears and apprehensions at so unconstitutional a measure: and therefore praying, that the said Bill may not pass into a law."—The petition was ordered to be laid on the table. After which, Mr. Secretary Fox moved for the second reading of the Bill for vesting the affairs of the East India Company in the hands of certain commissioners. The motion was agreed to; the Bill was read, as were also the petitions from the courts of proprietors and directors of the East India Company; and their counsel were then called to the bar. Mr. Rous and Mr. Dallas appeared for the proprietors; and Mr. Hardinge and Mr. Plomer for the court of directors.

Mr. *Rous* insisted on the injustice, dishonour, and impolicy of violating public faith and invading private property. The management of the Company's affairs was, he said, to be torn from themselves, and vested in the hands of a dark cabal, under an influence that might be very unfavourable to their interests. This was despotism, and despotism was by no means favourable to commerce, which required liberty and security. It was said the Company was in a state of bankruptcy and ruin, and parliament interfered to protract the evil day that was to consummate the ruin of both the Company and the nation. He admitted that a case might exist in which the legislature ought to interfere for the preservation of the state, and sacrifice a part to the good of the whole; but was the present such a case? If the Company were bankrupts, if they were in danger, and their probable ruin likely to ruin the nation, he would be silent, and deplore the hard necessity that demanded their downfal. He joined the House upon that fact, and undertook to prove, by undoubted evidence, that the affairs of the Company were in no other situation than that which the common course of events, and the natural order of things would render flourishing. The war had occasioned great expenses to the Company, but peace had been established with the Mahrattas, and such savings would be made as would pay off all the arrears. Our successes in the East had redeemed our losses in the West, and furnished the price of peace. He described the situation of our affairs in India, and concluded, that there was no apprehension of danger of any kind, but the greatest prospect of peace and prosperity. He placed the danger arising from such a precedent as would be established by the Bill, if it should pass, in a very striking light; and affirmed, that if such infractions of public faith should become familiar, parliaments might be continued by way of form; but faction, cabal, influence, would set the laws at defiance, and trample upon all property and justice. For what, he asked, was better secured to any man, than the property of the Company was secured to them by different acts of parliament, which he pointed out? He concluded

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with shewing the general importance of the Bill that was now agitated; and that the East India Company, should that Bill pass into a law, would only be the first victim to faction, and a spirit of tyranny. Mr. Rous produced two papers of accounts, the one a statement of the Company's affairs, shewing the amount of their debts and property; and the other an estimate of the Company's receipts and payments, up to March, 1786. And he called Mr. Nicoll, accountant, and Mr. Annis, auditor of Indian accounts, to prove the authenticity of the papers.

Mr. *Dallas* allowed, that if, indeed, there was a necessity for the interposition of parliament in the Company's affairs, it was their duty to interpose; but no such necessity existed—no necessity that did not exist three years ago, when the Company, in consideration of advancing a sum to government, received a renewal of their charter. He pressed on the House the iniquity of invading private property, and breaking the faith of parliament: it was only when the very existence of a state was threatened, that such violations could be justified. But he endeavoured to shew, that the great plea of bankruptcy was without foundation; and expatiated on the resources of the Company. He said, that if the Bill should pass into a law, it would be a death warrant to all the charters and immunities of corporations, and of individuals in Britain.

Mr. *Hardinge* appeared as counsel for the directors of the East India Company. The interests of the Company, he said, were invaded, and the honour of their servants attacked: the most violent outrage was threatened on all that could be held valuable by men. In speaking on a subject of such magnitude and importance he intreated to be indulged, and he claimed, as his privilege, the utmost liberty of speech: when that liberty should be denied, the liberties of England would be laid low in the dust. He adverted to a great deal of that reasoning on the Bill pending in parliament, which had taken place in the House on former occasions; and that he might do so consistently with form, and without seeming to rest upon extrajudicial evidence, he treated the newspapers, from which alone he pretended to derive his information, as violent, scandalous, and severe libels against the proceedings of parliament. What, he asked, have the directors done that ought to forfeit the confidence of the nation? Have they been guilty of an error of judgment in any instance? Pity them, and look at home. Is the defect, not in the servants of the Company, but in the system of the Company's government? Rectify that system; supply its defects. Have they been guilty of any act of omission, or commission? Prove their guilt; accuse them; punish them. Am I absurd, said Mr. Hardinge, in these propositions? Oh! but says the right hon. Secretary, this is not a Bill of pains and penalties—it has no retrospect: for God's sake, gentlemen, don't be alarmed; we do not mean to punish you; be quiet, lest you should provoke an inquiry that may be followed with punishment. He recalled to mind the honourable testimony that had been borne to the virtue of the directors by the Secretary himself, and challenged the House to impeach the integrity of their conduct: indemnity, where no crime was committed, was no favour; and it was a cruel insult to turn men, without any cause, out of their offices; and, at the same time, to justify such conduct, by alleging that no other punishment followed that act of injustice. He shewed, that it was not from the defect of the law, or the fault of the directors, that the abuses complained of in India had originated; and that distance and corruption, under any system, might often set laws at defiance. The parliament had assumed to itself the privilege of nominating the Company's servants; those servants had not done their duty; and now it was proposed to visit the iniquity of the servants on the masters. Would it not be better to inquire into the cause of abuses, and to remove that cause, than to go so roundly to work? Wherever any grievance takes place, is there no remedy but to appoint seven commissioners to control the subject of that grievance? The affairs of this nation are not in very good order; we have lost America, and other possessions; yet we do not hear of any number of commissioners for the government of national affairs. There are doubts and surmises, and a general gloom hanging over the public funds. Why not appoint seven commissioners to control the Bank, and to manage every thing else relating to public credit? Mr. Hardinge, pursuing this vein, enumerated various other particulars, in which the appointment, by parliament, of seven commissioners, and eight clerks, (alluding to the eight as-

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sistant proprietors) would be as natural and proper as the appointment of commissioners for the government of India. The Bill in agitation, he considered as wearing a very tyrannical and military aspect. The clause empowering the commissioners to enter into all the Company's warehouses, to seize their money, papers, books, and property of every kind, put him in mind of an army entering into, and pillaging a reduced town. Having pointed out the addition which the Bill would make to the influence of the crown, and the example it would set of disregard to the legal claims of the people, he recalled to the mind of the House former professions of patriotism, and touched on the duty and institution of parliament to protect the Commons. He exclaimed, in the language of the sacred Scriptures, 'Oh! that an enemy had done this! But my own friend, my particular friend! even he did lift up his weapon against me!' Mr. Hardinge appealed warmly to the candour of the House, and forewarned them of the danger of breaking laws, and of diminishing the respect due to parliament, and the national honour in this kingdom, and throughout the world: 'Tua res agitur, paries cum proximus ardet.' He dwelt on the dangerous tendency of the precedent that the Bill would establish; and conjured the House not to give a wound to its own honour, and to the liberty of the nation, by infringing the laws, seizing private property, and violating public faith.

Mr. *Plomer* observed, that besides the territorial revenues, which amounted to five millions sterling annually, which the Company had provided by conquest, they were in possession of tenements and land, both here and in India, but especially in India, of very great value, as well secured to them as the possessions of any individual in England; they held them, indeed, by the same tenure—the good faith of parliament. The will of parliament being supreme, if that will should cease to be governed by a regard to equity, justice, and its own decisions, what property or what person would be safe? It was now 200 years since the first institution of the English East India Company; their rights were confirmed by length of time, by long possession, by repeated acts of parliament. Their territorial revenues should not be considered as belonging to government, any more than their commercial concerns; for these revenues were necessary to protect commerce, which was the great object, and the paramount consideration in our connection with India. He said, that the spirit of the Bill was inimical to commerce, which disliked all dark cabals, and loved to explore its own affairs, and to chuse the terms on which it should run any risk, and the persons in whom it should confide. The proprietors of East India stock were much interested in the good character of the persons whom they should send to India; and, in general, in all matters that came under their cognizance. It was not so with the commissioners: no particular interest bound them to the prosperity of the Company. Interests of various kinds might often lead them to act in contradiction to them; their situations would naturally inspire them with dispositions to intrigue, and to grasp at political power. It was stated in the Ninth Report, that the act which passed in 1773, narrowing the court of proprietors from voters of 500*l.* property to those of 1,000*l.*, had, by diminishing the number to be influenced, greatly contributed to increase the power of the crown to influence them. From that day, a wider door of corruption and faction in the management of the Company's affairs was opened than ever; but with how much greater force did this argument apply to the small number of seven commissioners? Those men would naturally study, in the first place, to provide, at all hazards, for their own relations and dependents; as these, in their turn, would be, above all things, studious to please their masters at home. Mr. Plomer concluded, that the tide of corruption would flow with a more violent current from India to Britain than ever; and that whether the House had regard to its own purity, to the rights of the Company, or the general privileges of the nation, they would not suffer the Bill before them to pass into a law.

As soon as the counsel had withdrawn, Mr. Fox and sir James Lowther rose nearly at the same time, and each was supported by numerous friends, in his pretensions to speak first; but sir James having said that he was going to speak to order, Mr. Fox sat down. Sir James then said, that he would not for any length of time prevent the right hon. gentleman from making his 'defence,' for having introduced a Bill that had for its object the violation of the most sacred rights of Englishmen. What he had to observe on

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the present occasion was, that it would be necessary, before gentlemen should proceed to debate the Bill, that the accounts delivered in at the bar should be read; for as the bankruptcy of the East India Company was the pretence for bringing in the Bill, it would be necessary, in his mind, that every paper should be read that could prove either the truth or falsehood of the argument drawn from the supposition of such bankruptcy.

The *Speaker* said, that in point of order, all papers delivered in at the bar by witnesses, were considered as evidence already given to the House, and therefore it was not necessary that they should be read, except *pro forma*, and every member might argue from them, as if they had been read.

Mr. *Kenyon* could not conceive how such an order could be reconciled with reason or common sense. In the courts of law, if a paper was given in evidence, and its authenticity was ascertained, it was always read; for if it was not, it could be of no service or disservice in the cause, as the court and jury, though in fact in possession of the paper, must in reality, as long as it remained unread, be totally unacquainted with its contents.

The *Speaker* replied, that when evidence was offered by a counsel at the bar of the House, he might, if he pleased, cause it to be read: but if he did not call for that, it was not the custom of the House to read what the counsel did not think necessary to have read. In some cases, the reading of papers delivered at the bar was impracticable; in many instances, they were too voluminous: but any member might in debate advert to them, and cause the whole, or any part, to be read as often as he should think fit. The point of order being thus settled,

Mr. Secretary *Fox* rose to state his reasons for sending the Bill to a committee. The hon. baronet has said, that he will not keep me from my defence; and he calls my speaking to the question of commitment, a speech in my defence. I allow him his assertion: I shall always consider myself as speaking in my defence, when I rise up to speak to a proposition so great and so important as that which I have now presumed to offer to the wisdom of the House. Whenever I rise up in this House to present a broad and comprehensive scheme of policy to the nation, and that scheme is questioned, charged, and arraigned, I shall always consider what I say in its support as an argument in my own defence; because I shall always consider my own character, my situation, my rank in the country, as at stake on every measure of state which I shall presume to undertake. The hon. baronet said truly, therefore, that I was now rising to speak in my defence: but give me leave at the same time to assert, that I having something better than my own defence in view, because the present Bill has something greater than my own advantage; it is a Bill which I from my soul believe to be necessary to the deliverance of the empire, and it would be better supported in my mind by arguments in support of its own principle, than by harsh assertions of personality, which, however they may gratify spleen, have nothing to do with the system submitted to your consideration.

He was really surprised, that notwithstanding the various objections that had been stated to this Bill on a former day, he found himself this day attacked upon a ground which he had least expected. The violation of charters, the despotism and oppression of the Bill, were topics which he apprehended would have been principally dwelt on this day; but he found that these grounds were nearly abandoned, and now he was to be attacked on that side where he felt himself most strong; yet he would confess, that he was sorry he was so strong there, for his strength must be founded on the weakness of the Company. It was an old and a politic custom with ministers, in talking in parliament, in the time of war, of the strength and resources of the different bodies of the community, to describe them as if they were in the most prosperous and flourishing condition; and perhaps he should himself conform to that custom, if the country was now involved in war. The situation of the country, however, was such as would not allow the practice of those deceptions: we could only assist the nation, by knowing and declaring what the amount of its distress was. Had not this been the case, had not the most urgent necessity impelled, he never would have brought in such a Bill as that under discussion. The Bill was a child not of choice, but of necessity. In like manner, the answer he was about to give to the directors' state of the Company's affairs, was not a matter of option, but a matter which he could not avoid, in justice to the Company,

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in justice to himself, and in justice to the world. He assured the House at the same time, that though his defence must arise from that weakness, he wished most sincerely that he had no such ground of defence; the weakness of a Company so connected with the public, was not a theme which could afford any satisfaction: but as he would stake his reputation on the necessity of the measure he proposed, so it afforded him, as far as his character was concerned, some satisfaction, that he could find in the Company's own accounts substantial proofs of the necessity of a parliamentary interposition. But, he confessed, that while an hon. and learned gentleman, who sat opposite to him now, and who was likely to do so on all occasions, (Mr. Dundas, who sat on the opposition side of the House, close by Mr. Pitt) and other honourable gentlemen in that House, could be appealed to as evidence of the alarming state of the affairs of the Company, he had not imagined that any long or elaborate proof, that they were not in a prosperous condition, would be necessary. Gentlemen, he said, would find that there was no great occasion for them to lament, that the account which had been delivered in at the bar by the East India Company's accountant, had not been read by the clerk, as he should, in the course of his speech, be obliged to touch upon most of the points that it contained. In this account he found many things inserted, which ought to have been omitted, and many things omitted, which ought to have been inserted. Through these assertions, and these omissions, the Company's affairs were made to appear in a much more favourable point of view than he believed they would be seen in, when he should have stated the different exceptions that he had to their account: but he begged leave again to call to the recollection of the House, that he did not stand pledged to prove that these were actual errors in the account: it might be regularly calculated, and the sums very properly cast up. He did not venture to say that there were positive falsehoods in the statement; all that he said, and all that he was pledged for was, that he would state rational objections to articles in this account, to the amount of more than 12 millions. These objections might not convince the House—they had convinced him. He begged that gentlemen would go along with him in the statement, and put down the articles as he enumerated them; for in so complicated a matter, they could not follow him from memory.

The first article in the account, held out as the property of the Company, was 4,200,000*l.* as the debt due to the Company from government, at 3 per cent. interest. To this article he did not object: but he must make this observation; that this sum was to be considered, as all other money held in the funds of the country, as not otherwise available to the individual than in respect of the annual interest; for there was no obligation of payment, they could not force the production of it, they could not make government come to a settlement with them; but they stood exactly like the other creditors of the public, secure of the interest, but not armed with powers to come when they pleased at the principal. Another observation, too, occurred on this: they took and stated this sum with evident error. Surely it was no otherways to be estimated, than as they could carry their stock to market: they were not to set it down in this statement of their property at the nominal amount, but at the marketable value of the commodity. The marketable value of the commodity was three-fifths of the nominal value, and at no more ought they to have stated this sum of property, because for no more was the principal available in their present circumstances. It was very true, that this money was to be repaid to the Company, if government should ever put an end to the monopoly which the Company enjoyed of the trade to India. In that case, the full sum of 4,200,000*l.* must of course be paid; but as the money was lent, and government was never to repay the principal, if they chose, while they continued the monopoly, he must say, it was not so very fair to state the sum lent at the full value of 4,200,000*l.*; for if the monopoly should, in any case, be annihilated, without the will of government, then the money, as he had said, could not be called for; and if the Company wished to sell their interest in that loan, which was sunk in the 3 per cents. they would of course lose about two fifths of the whole; and therefore the account should in candour have stated, that towards paying their debts, they had in the 3 per cent. stock a property that would sell for 2,520,000*l.*

The next article was of a very singular nature indeed, and gave the House a specimen of the principle on which this ac-



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count was made up. A charge was made on government of 260,687*l.* for the subsistence of prisoners in the war which concluded in 1763. To this article he did not mean to object, as a debt desperate, and to be altogether struck out; but in their present emergency, was it to be considered as an article of available property? This claim was made on France immediately on the conclusion of the war in 1763, and for fifteen years in succession, that is, until the commencement of the last war. The payment of the sum was constantly sought for, and as steadfastly denied. Now, though he for his own part would promise and pledge himself to the Company, that he would exert every effort of his mind and power to accomplish this payment, though there was a negociation at this instant going on at Paris for the payment of it, and though he would pledge himself also for the exertion and activity of the noble duke now at Paris on the subject, still he asked, if a sum, which had been contended for in vain for so long a time, was to be assumed in such an account as available property?

The next article of 139,877*l.* for expenses on the Manilla expedition, and of 21,447*l.* for hospital expenses, bore the same complexion. They were all sums which had been in contention for so long a time, that though they might be fairly due, they could not be estimated as property at hand, in fund, or come-at-able; they had been disallowed by every succeeding treasury, including even that of the earl of Shelburne; he therefore begged to ask the House, whether these three sums, making 422,011*l.* ought to have been brought forward in the present statement as property applicable to the discharge of their debts?

The next article was under the head of cash, which was stated, in money, in bonds paid in at the sales, and again to be issued, and in debentures and custom notes, to amount to 609,954*l.*: now to this he had an objection. The bonds were here stated as cash, and no notice was taken of a very material article, which was the discount, on their being issued again: they bore a very considerable count, and an allowance should have ... made for this discount, which they ... their being again issued: they ... take any advantage of them but by issuing them anew, and they must be issued at a discount. Instead, therefore, of stating them on this side of the account as cash, and charging them on the other side as debts against themselves, they ought to have stated merely the amount of the discount as an item against themselves, on the debtor side of the account.

The next sum was stated to be due for goods sold, but not delivered, 553,258*l.* To this he had no objection. The next article was the value of the goods in the warehouses, of which the freights and duties were paid, 2,500,000*l.* This he did not consider as proper to be taken in the way which they had taken it. It was to be inquired, whether they could dispose of this property, and when; whether they could make it productive, and to the amount at which they had taken it: though he did not believe that they could, yet he did not object to this article. At the same time it might have been proper for them to have stated the amount without the customs: they charged themselves with the customs on the other side indeed; but, to have made the account regular, the sum should have been regularly stated here, without the double entry.

The next was the merchandise exported to India, but not included in the property here, as not being yet arrived, 1,219,091*l.* When a man was making out a state of accounts, to prove that he had in hand a sufficient quantity of goods, which he could immediately, or in a reasonable time, convert into money, one might be a little surprised to find him enumerating articles which, in their nature, could not be converted into money; and yet the Company had acted precisely in this manner; for they stated that merchandise, to the amount of 1,219,091*l.* had been exported to India, but not included in the accounts of property there, not being arrived when they were made up. Now, in this account were included military stores, to the amount of about half that sum, which were not to be used for any mercantile purpose, but were to be, if they had not already been consumed by the army. To the sum therefore of at least 600,000*l.* in this article, he would certainly except; it formed no part of the means of the Company to pay their present debts, and therefore ought not to have been included in an account of ways and means: they could not bring them to any market, and they were not to be taken as available property. On this article, therefore, he took 600,000*l.*

The next sum was for silver remaining



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in the Treasury, 1,090*l.* The only notice which he meant to take of this article was, to declare his astonishment, or rather indeed not his astonishment, but to point it out as a fact, which proved his statement of their finances to be right. After enumerating their millions afloat, their millions in the warehouses; they came to the calculation of their specie, and it amounted to the sum of 1,090*l.*; this reminded him of an article in one of our great bard's best plays, where, speaking of one of his best characters, it is said, 'so much for sack; so much for sugar; so much for burnt hock; so much for this, and so much for that; but for the solid—the substantial—the staff of life—bread, one halfpenny:' so it was with this flourishing Company: they had millions of goods, of bonds, of debts; but of silver they had one solitary thousand pounds.

The next article was for the advance of freight, to be deducted on the arrival of the ships, 172,334*l.* To this article he had very great and solid objection: it was a piece of complete and most unpardonable fallacy. They stated, in their favour, the advanced freight which they had paid; but they had not taken against them, on the other side, the sum of freight and demurrage which they would have to pay. To shew the fallacy of this article, he would suppose that he had 1000*l.* to pay on his note next Monday, of which, however, he had already advanced 100*l.* In estimating his account, he took to his favour the 100*l.* which he had paid, but took no notice, nor made any provision for the 900*l.* which he had to pay. The Company had advanced the freight on 53 ships; of these, 14 had come home, and there were still 39 ships behind; but of these, two had been burnt and blown up; so that there remained 37 ships in India and coming home, on which the remaining freight and demurrage was to be paid, and this was to be estimated at 50,000*l.* a ship: so that, instead of this sum which they had taken to their credit, they were to be charged in this account with 1,850,000*l.* for which they were bound, and which they must pay. This he called a very unpardonable fallacy. He desired to know what parliament would think of any responsible minister, paymaster, or servant, who should act in that manner. Or was it possible, that any man appointed under the present Bill, and accountable to that House, could present an account so miserably deficient as this was?

The next sum was a small charge for their shipping in England, it was only 12,300*l.* and he might say, *de minimis non curat prætor*; but still he must say a few words on the subject, as it shewed to what shifts the Company thought themselves driven, when they would suffer such an article to be brought into an account; it could be merely for the purpose of swelling, at all events, the total. This sum was estimated to be the value of ships and vessels employed by the Company in England: the meaning of this was, that the sale of these vessels would produce that sum: but as such a sale could be thought of only in case the Company were going to sell off all their stock and give up business, he would object to the article; because as nothing could be farther from his intention than to dissolve the Company, so no such sale could take place while they should exist. The article of 253,616*l.* was exceptionable on the same ground: the Company's houses and buildings in London were estimated at that sum; but as they were not to be sold, he would object to the carrying of that sum to the account of ways and means of the Company. If brought forward, it was to be brought forward on the presumption of their bankruptcy; a presumption which he never made, and which could not be taken.

To the article of 703,824*l.* taken as the prime cost of four cargoes on their passage from Bengal, he objected in part. It ought to have stated, what was very well known, that the Company suffered a considerable loss by Bengal goods, and this loss ought have been deducted from the prime cost of the four cargoes.

The Company estimated the four cargoes on their passage from Bengal, at prime cost, to be 703,824*l.* To this were to be added the duties, 170,000*l.* Freight, 200,000*l.*; which made 1,073,824*l.* From which the sum of 960,000*l.* being deducted, as the whole of the value which those articles would here bring, the Company of course must be losers of 113,824*l.* To the sum of 364,515*l.* stated as the value of cargoes dispatched from Bengal to other presidencies, he intended also to object; because as these cargoes consisted of military stores, they were not property that could be converted into money; and consequently ought not to be stated as ways and means to pay debts that pressed upon the Company immediately. It was in the nature of the ar-

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ticle, to a moiety of which he had already excepted, of military stores sent to India; and he begged leave to remark, that whenever this sort of charge occured, he should object to it.

He now came to the article, entitled, Quick Stock at Bengal, under various denominations. In treasure and bills 777,361*l.* that he allowed: the goods for Europe dispatched, the goods imported and unsold, and the salt; but the article of stores unexpended he objected to, on the argument already stated, and he took for this 680,509*l.* The sum advanced to the board of trade was stated to be 837,465*l.* and this was erroneous. The sum for investments was only 635,000*l.* and this sum ought to be less by 160,000*l.* He stated the particulars of this error also. It was not a little singular to find by what means the Company swelled up their account of debts due to them, in order to shew what means they were possessed of to pay their debts. In this place they valued the current rupee at 2*s.* 3*d.* when every man knew that to rate it at 2*s.* 1*d.* was setting rather a high value on it, the general exchange being at 2*s.*

The next article he would wish to press to the consideration of the House: it was the debt due by the nabob, Asoph ul Dowla, 789,828*l.* This debt was in the nature of many others which were due to us in India, and which had been made the foundation of our various wars. A claim was made on the nabobs, or the rajahs, for the debt which they owed. Their answer was, that they were unable; but that their subjects in a certain district were not only in arrears, but refractory, and therefore if the Company would assist them to reduce their subjects to obedience and payment, they would pay their debts. On this pretext we entered on the war, and what particular species of war we commenced might be drawn from the records of the Company—a war of horror and devastation: we scoured deserted countries, we ravaged and burnt the villages, we destroyed or we captured the women and the infants: in this manner the Rohillas one year, the Marawar country the next, then the Polygars were laid waste and desolated, and those innocent and unprotected natives destroyed; the men were murdered, the women imprisoned and disgraced, their children left a prey to want, and every religious and civil right violated. To prove this, he desired the clerk might read a letter from lieut. col. Bonjour, a Swiss officer in the Company's service, which described the manner in which he found a country in India in 1773, when sent into it to force people to pay money: the villages were deserted by the men, who left none in them but women and children; the men fell upon the English convoys, and cut them off, and put many of the soldiers to death. He represented therefore, that either the design must be given up, or reprisals must be made on women and children, which would shock humanity. He painted to them, in the warm colours of feeling, the scene of horror which the service exhibited, and deprecated such wars as inglorious and contemptible. Thank God! exclaimed Mr. Fox, they have always failed: they have constantly been as unproductive of revenue, as they were productive of infamy. In every instance we have failed in our object, but in no instance have we avoided the curses, the abhorrence, the contempt of mankind. He read also a letter from the soubah of Oude, of which the following is a copy:—"When the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I wrote you an account of my difficulties. The answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would ever have given your orders, in so afflicting a manner, in which you never before wrote, and which I could not have imagined.—As I am resolved to obey your orders and directions of the council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him (the resident), that when he shall have examined my receipts and expenses, he may take whatever remains. As I know it to be my duty to satisfy you, the Company, and council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expenses; there being no other funds but those for the expenses of my mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants for thirty years, whether sepoys, mutseddies, or household servants, and the

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expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependents, which were for their support. I had raised 1,300 horse, and three battalions of sepoys, to attend upon me; but, as I have no resource to support them, I have been obliged to remove the people stationed in the mahals (districts) and to send his people (the resident's people) into the mahals; so that I have not now one single servant about me. Should I mention to what farther difficulties I have been reduced, it would lay me open to contempt."

He would make no comments on this letter, he would leave it to the feelings of the House. All these debts from this nabob, and from all the nabobs and rajahs, he wished at once to strike off; and he believed that the feelings and the magnanimity of the country would go with him in saying, that they would rather be doomed to pay all that the Company owed, ill as they could at this time bear it—ill as their sinking fund could sustain the shock, they would apply to that, rather than wring it from the princes of the country, by aiding them in wars on their innocent people. In this part of his speech, all sides of the House joined in the exclamation of 'hear! hear!' as the testimony of their approbation.

The next article was, debts due by the Company in Bengal, on bond and otherwise, 2,367,116*l*. Upon this he only observed, that from the word 'otherwise' it might be imagined that there were considerable debts not on bond, whereas the whole amount was on bond, except 100,000*l*. With this observation to mark the stile of the account, he allowed the same. But there was a very curious and singular matter occurred here: it stated that the arrears due to the army did not appear; but by a subsequent minute it did appear, that the arrears up to March 1783, amount to 502,174*l*. This they state to come by the last dispatches. Would it not be imagined that at least they would bring this 500,000*l*. to account? Not one figure of it. He asked the House what they would think of government, if having accounts from abroad of arrears due to the army, they failed to bring half a million forward? Would they not impeach the defaulter? He wished, therefore, to rescue the affairs of the East from a Company capable of such a crime, for a crime he declared it was. Before he left the article of the quick stock of Bengal, he must observe, there was an omission entirely of 130,000*l*. due by the Company to the Military Fund established by lord Clive and the nabob Asoph ul Dowla, and a considerable part of which sum must be paid to the heirs of lord Clive.

The quick stock at Madras came next; and here again he objected to the article of stores, military and naval, unexpended, which was 264,110*l*.; and on the same account that he objected to the sum due from Asoph ul Dowla, he objected to the charge of 968,012*l*. stated to be due by the nabob of Arcot; to 158,250*l*. due from the rajah of Tanjore, and to 993,804*l*. due from the renters of sundry districts.

He said, the nabob could not attempt to pay his debt, without attempting to take it from the rajah; nor the rajah, without taking it from some neighbouring power; and all this with the assistance of the Company's troops, and at the expense of the Company's treasure. As to the renters of sundry districts of land, how could money be recovered from those who had none to give? Had not these people been driven from their possessions, and made the victims of cruel and unjust wars? And how could it be expected that they should be able to answer this enormous demand? At the end of the account of these debts, there was a curious observation, contained in a *nota bene*, to the following effect:—'The war in the Carnatic will delay the payment of some of these debts, and must have rendered many others of them precarious, so that the exact value of them cannot be ascertained.' After this beginning, said Mr. Fox, would not the House imagine that the account was going to say that some particular part of the sum, such as a 5th, an 8th, or a 10th of these sums might be recovered; but the account, instead of saying any such thing, goes on, and says, 'but the above sums are undoubtedly due to the Company.' These debts, put together, would amount to 2,822,310*l*. and to this sum he was resolved to object, as unfit to be inserted in an account of means to answer the Company's pressing demands. The ridicule, the absurdity, and the determination to impose, contained in this annotation, drew from him a vein of irony and attack that we scarcely remember to have heard equalled even by Mr. Fox. He once more dwelt upon the scandalous conduct of those who had dared to produce to parliament an account so full of imposition

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and absurdity; particularly with regard to the stating these desperate and ruinous debts, more ruinous in recovering than abandoning, as a fund; and the unparalleled impudence of this conclusion of the N. B. that the above sums were 'undoubtedly due to the Company.' No doubt they were due; and if the Company were to go on for five years more, five times the sum might, and probably would, from the experience of past times, be as fairly due; and from thence it would be in the power of those who had the hardiness to impose upon the public by such an account, to shew the Company in a better situation every year, as their debts increased: that they would soon have it in their power to prove the flourishing state of the Company, by stating the debts of the nabob at twice 900,000*l.* and those of Asoph ul Dowla at double the present sum. But he desired the House to recollect, that it was their business to interfere to prevent that species of prosperity from gaining farther than it had hitherto gone, and to stem those torrents of blood which must flow, if the attempt was made to procure them; an attempt which must end in wasting more money (setting considerations of humanity aside) than the amount of them would repay. To estimate the property of the Company in this way, was most fallacious. In proportion as they oppressed, as they racked, as they were guilty of weakness in the first instance, and of violence in the second, their debts would increase; and even when they were more deeply involved, they might, by such accounts, shew themselves to be on paper more flourishing. But such debts were not available property, and could not be estimated.

The debts due by the Company in Madras, 31st August, 1782, including arrears to the military, 821,164*l.*, he stated to have increased since; that the right hon. gentleman opposite (Mr. Pitt) knew it, it was a secret disclosed to the Treasury, of which he was Chancellor of the Exchequer, and, he doubted not, he would not deny it. By these disallowances, he reduced the balance of quick stock at Madras 2,078,078*l.* to little more than 500,000*l.* Of the quick stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing by the Company, amounting on the 19th of March, 1783, to a balance in favour of the Company of 189,036*l.*; he allowed only the odd 89,000*l.* the other 100,000*l.* being exhausted in the expense of the establishment, and therefore on the footing of warehouses, not convertible, unless they give up trade; consequently, not applicable to present relief. The quick stock at St. Helena, 27,618*l.* disallowed on the same principle. The quick stock in China, 132,596*l.* he allowed, because consisting of goods, and there we had no territories nor establishment to maintain. The quick stock at Bombay, 15th Sept. 1782, valuing the rupee at 2*s.* 6*d.*, cash and bills 24,663*l.* he allowed. Goods provided for Europe, 95,145*l.* Of this he disallowed 32,000*l.* put on board two ships that sailed after the date here taken, and which was included in the prior statement of goods in warehouses; and he also took the freight and demurrage, to be paid on their arrival in England: 148,003*l.* for military and naval stores, disallowed for reasons formerly given.

The debts due to the Company of 891,069*l.* he doubted of as much as of the unsecured part of Ragobah's debt, for the reasons already stated. By these deductions, the debt due by the Company at Bombay amounted to 2,000,000*l.* instead of 1,790,000*l.* There was an additional arrear to be taken as due to the army in India, beyond what the account stated at 140,000*l.* They also owed to the Nizam, 30 lacks of rupees, which was 300,000*l.* totally omitted. Besides these sums, which amount in the whole to 9,400,000*l.* there was to be added the sum due to the proprietors of 3,200,000*l.* which made the sum in the whole more than 12,000,000*l.* which he pledged himself to exhibit in objection to their account. There were other inaccuracies in their statement, which made considerable difference in its truth, but into which he had not particularly entered. It was alleged that the sum of 400,000*l.* lately paid by the Company to government, was as a price for the renewal of their charter. It was no such thing: they paid it as a debt due to the country, and so it was considered.

The right hon. Secretary then went into a train of most admirable and eloquent deductions from his premises, and into distinct answers to the several arguments which had been adduced against the principle, provision, and tendency of the Bill. The peace with the Mahrattas had been held out by the friends and agents of that great man, Mr. Hastings, a man who, by disobeying the orders of his employers, had made himself so great, as to be now

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able to mix in every question of state, and make every measure of government a personal point in which he had a share—the peace with the Mahrattas had been held out as so favourable to this country, that every good was to be derived from it. What said the last advices to that? Read the last Gazette. In the very moment that an hon. gentleman, whose zeal and ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the proprietors on the prosperous situation of their affairs, came home the dispatches contained in the last Gazette. Let the House learn from that Gazette, the pressing occasion for an immediate reform of the government of India: let them see the cause of the disasters recorded in those direful dispatches—a quarrel among the officers on the common theme of India, the division of the spoil, the disposal of the plunder taken from the natives! They would learn from the Gazette, that our army had lost all subordination, as they had learnt from other publications, that our civil government in India had lost all energy: and, in addition to that information, he would read a letter from Mr. Anderson, stating that the Peshwa and Madajee Scindia proposed that they should enter into an alliance with the Company to strip Tippoo Saib of his territories, and make a partition of them between the three. This proposition appeared to be acceptable to Mr. Hastings; and it was therefore reasonable to suppose, or to fear, that a new war was actually at this time raging in India. Did the House know of the disputes in our presidencies, as well as in the army? that lord Macartney, that great and exalted man, the only man who paid obedience to his constituents, was at this instant, perhaps, removed; confined, perhaps come to the fate of lord Pigot? Would they not remember, that, by the peace with France, we had engaged not to make war with their allies in India? And that if this new engagement was entered into with the Mahrattas, it would be to all purposes a new war, and consequently we might involve ourselves again with France, and revive war in every part of Europe? These were important considerations. It was said that this was an invasion of the chartered rights; undoubtedly it was; but would gentlemen say that such infringements were not warrantable? Had they not been frequently infringed before, when the votes of the 500*l.* stock proprietors were cut off? And in various other instances. Was this to be called an infringement of their charters, so enormous and violent, when they had broken the conditions of the charter and agreement? Did the House know, if this Bill should be thrown out, which by the bye he did not believe it would, that the Treasury could in a fortnight afterwards enter into the premises of the East India Company with an extent, and take legal possession of all that they were worth in the world? But necessity was said to be the plea of tyranny—it was also the plea of freedom. The Revolution which established the rights and liberties of these kingdoms, was undertaken and accomplished—nay, was justified at the time, on the plea of necessity; a necessity that superseded all law, and was the glorious means of giving liberty to England. On the present occasion, had it not been agreed on all hands, that some measure of regulation and reform was necessary with respect to India; nay, had not a right hon. gentleman opposite to him, and his friends, been loud in calling out for a system, complete and well digested? Had they not said, no palliatives, no half measures? Let the learned gentleman opposite him (Mr. Dundas) say how any effectual reform in the conduct of the India Company's affairs could be made without touching their charter. Did the present Bill offer more violence to it than the Bill proposed last year? In what lay the difference? That Bill aimed at lodging an absolute and despotic power of governing in India. This provided a controlable government; but it was a powerful government, and it was at home. To give power was generally considered as a dangerous delegation; but it became the more dangerous in proportion as it was lodged at a distance. A virtuous and a wise man might lose his principles and his understanding in India: disease and luxury might co-operate to enervate; the sight of wealth within reach might win to rapacity, and the once pure mind, weakened by climate and example, might be betrayed to corruption and plunder. The temptation was not so great in England: the commissioners were to act at hand, and to be under the immediate eye of parliament. Where, then, was the danger so loudly trumpeted forth to the world, and so industriously made the subject of popular clamour?

But besides the objection to the com-

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missioners being named by parliament, the great one was, the influence it was to give to the crown: this he denied. No immediate influence was to be given but the nomination of the seven commissioners; the patronage of the East Indies had been in the hands of the crown before. What great officer had been appointed, but by the advice and influence of ministers? And ought they to have been otherwise? The only difference is, that before, the court of directors was a screen; and now, they will themselves be responsible. He did not wish the commissioners to be out of parliament; he wished them to be like himself and his colleagues, constantly under the eye and attack of the House. Why order the new officers to give their reasons for what they did? This regulation was questioned as being idle: it was not so. It was the character of despotic governments to be dark; of popular governments to have publicity; and he averred, that it was their beauty and basis; our judicial tribunals were bound to give their reasons. He objected to the plan of Mr. Dundas, because he could not agree to give to a man, at the distance of half the globe, uncontrolled power. Even here it was dangerous; but not so much so, because it would be watched. The valuable jealousies of the country would be awake, and parliament would be ready to crush its irregular acts. Some measure was admitted on all hands to be necessary; if the present was disapproved, those who disapproved of it were bound to propose a better.

Perhaps it would be argued, that the distress of the Company was solely owing to the burthens and pressure of an expensive war, and that what had arisen from a specific misfortune, ought not to be attributed to general misrule and mismanagement. In proof that this was not true, he would read a letter from a person in a high and responsible situation in India, in 1772. [Mr. Fox then read an extract, which, in the language of conviction, attributed all the disasters in India, of that day, to a want of vigour in the principle of the system of its government, adopted and pursued by the directors at home.] The writer of the letter, Mr. Fox said, was not a favourite authority with him in all cases; but his position carried wisdom in it, and his argument was founded on sound policy. The other side of the House, at least, he hoped, would agree in this, when he informed them that the writer of the letter he had just read, was no other than Mr. Hastings himself.

Mr. Fox dwelt upon this for some time, and shewed that we might suddenly find ourselves involved in a war with France, if due care was not taken to avert the mischief. He said farther, that he considered suffering the Company to borrow more money, as in fact lending them the security of government for what they borrowed; and that before he proceeded that length, he held himself bound to take very possible means to make the safety of the public, and the prosperity of the Company, go hand in hand together. He knew that in doing so, he put his own situation, as a minister, to the hazard; but where upon a great national ground he could establish a measure at once salutary and useful, likely to rescue the natives of India from oppression, and save the country from disgrace, he little cared how great the personal risks were that he was to encounter. He took notice of the India Regulating Bill, which, however deficient in point of policy it might be found, would not, he believed, be thought to be wanting in regard to numerous clauses, or show that ministers had not very fully applied themselves to the present situation of India. That Bill, he said, in almost every one of its clauses, restrained and lessened the exercise of the power of those who were to act under the authority of the Bill then before the House. The two Bills ought therefore to be considered as it were together, the regulations of the one tending to correct and temperate the other. He now came to a conclusion, and said, that if he should fall in this, he should fall in a great and glorious cause, struggling not only for the Company, but for the British and India people; for many, many millions of souls. The separation of the sovereignty from the commerce, was a point which he thought essential, and it was partly provided for in the Bill; but in that and many other provisions, he would be happy to be assisted by the wisdom of the House in a committee, to which, therefore, he hoped they would go with him.

Mr. *W. Pitt* drew the attention of the House to the peculiar situation in which he found himself placed by the progress and present state of this question. He said, from the commencement of it, he had by every exertion in his power, summoned the attention of the House, and of the country in general, to the importance and dangerous consequences of the

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measure now proposed. He had pledged himself to the House, and to the world at large, to point out the dreadful tendency of this Bill; to prove its inimical influence on the constitution and liberties of this country; and to establish, by undeniable evidence, the false and pernicious principles on which it was founded. These particulars required time and deliberation, which the violent and indecent precipitancy of this business virtually proscribed. However, it was impossible to regard the very face of the Bill, without feeling strong repugnance at its success. He desired the House to take notice, that the ground of necessity, upon which the Bill had been originally declared to have been introduced, was now changed; that necessity no longer rested on the simple, clear, and obvious proposition, the bankruptcy of the East India Company, but was that day placed on a still weaker foundation, but a foundation infinitely more fallacious, upon the temporary distress of the Company. Was that a fit plea to warrant the passing of a Bill, which openly professed a daring violation of the chartered rights of the Company, and proceeded to an immediate confiscation of all their property? Ought the House to be satisfied with it, even if proved beyond the possibility of question? He trusted they would not; he trusted the House had too much regard for their own honour and dignity, too scrupulous an attention to justice, and too conscientious an adherence to their duty to their constituents, to support the minister in one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country.

The right hon. gentleman, whose eloquence and whose abilities would lend a grace to deformity, had appealed to their passions, and pressed home to their hearts the distressed situation of the unhappy natives of India; a situation which every man must deeply deplore, and anxiously wish to relieve: but ought the right hon. gentleman to proceed to the protection of the oppressed abroad, by enforcing the most unparalleled oppression at home? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe? Let the House turn their eyes to the very extraordinary manner in which the very extraordinary Bill then under consideration had been introduced. When the right hon. gentleman opened it to the House on Tuesday se'nnight, he had urged the indispensable necessity of the measure as its only justification; and, in order to carry that necessity to the conviction of the House, he had given such a statement of the Company's affairs, as to convey to the ideas of almost every gentleman present, that the Company were bankrupts to the amount of eight millions. [Mr. Fox here shook his head.] Mr. Pitt said, he was ready to admit that the right hon. gentleman had not expressly said so; but he should still contend, that the manner in which the right hon. gentleman had stated their affairs, had conveyed that idea. It had been entertained by most of those who heard the right hon. gentleman, it had been entertained by the public, and it had been entertained by the Company.

The right hon. gentleman had himself confessed he had made several omissions in his former state of the Company's affairs: omissions he certainly had made; omissions, gross, palpable, and prodigious. What was the consequence? The Company flatly deny the right hon. gentleman's statement. They prepare an account of the true state of their affairs; they produce it at the bar of the House; they establish its authenticity by the concurrent testimony of their accountant and auditor. What happens then? The right hon. gentleman declares it is incumbent on him to clear his own character, and that can only be done by refuting and falsifying the Company's statement of their affairs to the enormous amount of 12 millions. Arduous as this task was, the right hon. gentleman enters upon it with a degree of spirit peculiar to the boldness of his character: he acknowledges that the Company's paper must be deprived of its credit some how or other; and he proceeds in a most extraordinary manner to effect a purpose he had just told you was so necessary to himself. The right hon. gentleman had run through the account with a volubility that rendered comprehension difficult, and detection almost impossible. He had attempted to follow him through his commentary; and though it was impossible, upon first hearing such a variety of assertions, to investigate the truth of all of them, and completely refute their fallacy, he would undertake to shew, that the right hon. gentleman had unfairly reasoned upon some of the articles, grossly misrepresented others, and



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wholly passed by considerations material to be adverted to, in order to ascertain what was the true state of the Company's affairs. He then entered into a revision of the credit side of the Company's statement, and endeavoured to overturn Mr. Fox's objections to some of the articles, and to defeat the force of his observations upon others. He justified the Company's giving themselves credit for 4,200,000*l.* as the debt from government, on the ground that, as they had advanced the full principal of the sum to government, they had a right to give themselves credit for the whole of it; and the more especially, as on the other side they made themselves debtors for 2,992,440*l.* borrowed, to enable them to make the loan to government of 4,200,000*l.* The money due for subsistence of prisoners in a former war, for the expenses of the expedition against Manilla, and for hospital expenses, he also reasoned upon, to shew that the Company were not to blame for inserting them on the credit side of their account. The right hon. gentleman had such a happy talent of rendering even the driest subject lively, that his pleasant allusion to the charge of one halfpenny for bread in Falstaff's tavern bill, when he came to take notice of the 1000*l.* amount of silver remaining in the treasury of the East India Company, had so far caught his fancy, that it was not till a minute or two afterwards that he glanced his eye a little higher in the same page of the Company's account, and saw an entry of money to the amount of 142,794*l.* Mr. Pitt dwelt upon this for some time, and went into a discussion of the observations of Mr. Fox upon the entry of 280,575*l.* for bonds, which he strenuously maintained the Company had a right to give themselves credit for. He also entered into a long argument respecting the sums credited for freights paid, defending them from Mr. Fox's objections. He likewise defended the entry of 253,616*l.* as the value of the Company's houses and buildings in London, declaring, that as the Company understood themselves to stand charged with bankruptcy, they felt it necessary to state the value of the whole of their assets in the schedule of the particulars of their estate. He reasoned for some time on the assertions of Mr. Fox upon the prime cost of four cargoes on their passage from Bengal, and said, notwithstanding the argument of the right hon. gentleman, that when the freight and duties were paid, there would be a loss rather than a profit on the investment; he believed the reverse would be the fact; for he generally understood, that when an investment was made in India, the prime cost was at least doubled in the price the cargoes fetched in England. He opposed Mr. Fox's observations on the different entries under the head of Quick Stock, at the various presidencies of Bengal, Madras, and Bombay, and at Bencoolen and in China, contradicting many of them, and upholding the Company in their statement. He declared he did not know what the right hon. gentleman alluded to relative to the private debt incurred by the Madras presidency. With regard to the debts due from the nabob Asoph ul Dowla and the nabob of Arcot, the right hon. gentleman had taken such advantage of those facts to display his oratory, that the House was lost in a blaze of eloquence, and so dazzled with the lustre and brilliancy of the right hon. gentleman's talents, that they were deprived of the exercise of their sober reason, and rendered incompetent to weigh the propriety of the Company's making any mention of debts, some of which they expressly declared would be lingering in their payment, and others they acknowledged to be precarious.

After going through the whole of the observations and objections of Mr. Fox, and contending that the right hon. gentleman had uniformly declined any sort of discrimination as to the different periods of time that the Company's debts would come upon them, but had argued as if the whole were due at the present moment, Mr. Pitt said, the last matter urged against the Company, viz. their capital, was, to his mind, the most extraordinary of any he had ever met with. He had often heard, when traders were bankrupts, or when it became necessary that their affairs should be vested in the hands of trustees, that it was incumbent on them to discover the whole amount of their debts to others; but he never before knew that it was either incumbent on them to state, or necessary for the creditors to know, how much they owed themselves. Mr. Pitt denied that there was any deficiency whatever in their capital, contending, on the other hand, that the Company, though distressed, were by no means insolvent; and that they ought to be allowed an opportunity of proving the whole of the statement of their affairs at



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the bar of the House. The right hon. Secretary had accused the temerity of the Company in bringing before that House their accounts in a state exceedingly fallacious: he had asked, what indignation and censure was due to the individual who dared to have thus trifled with truth, with decency, and with the dignity of the House? What, then, should be said of a minister, who ventures to rise up in his place, and impose on the House a statement every way absurd and erroneous? On these, and many other accounts, he was clearly for deferring the debate. As it was perfectly reasonable to allow the House time to examine the truth of the papers then on the table, the falsehood of which ought not to be taken for granted upon the bare assertions of the Secretary of State, so introduced and made as they had been, he should hope there could be no objection to adjourning the debate for a single day, and should therefore reserve his sentiments upon the principle of the Bill for the present, and move, "That the debate be adjourned till to-morrow."

Lord *North* contended, that there was not the least necessity for an adjournment. He said, he had been twenty years in parliament, and had always heard it asserted by every one who knew any thing of the business, that a society of gentlemen, united merely on commercial principles, were not equal to the government of such a territory as India. The right hon. gentleman who spoke last, had called the Bill an unprecedented attempt to establish a violation of the chartered rights of the Company, and an immediate confiscation of their property. This charge was a weighty one, but it was not true. That the Bill infringed upon the charter of the Company, was undoubtedly the case; but was the Bill, as far as it was considered in that view, unprecedented? No such thing. The bill in 1773, brought in by himself, which restrained the exercise of election, and deprived the 500*l.* stockholders of their votes, was an infringement of the Company's charter; the Bill giving government the power of appointment to offices in India in some instances, and the parliament a power of nomination in others, was equally an infringement of the charter. The bill brought in last session by a learned gentleman, who had been chairman of the secret committee, proposed a regulation, clearly founded on a violation of the Company's charter; in saying this, he meant not to insinuate that there was any blame due to that learned gentleman: the necessity of the case rendered it impossible to attempt any regulation at all likely to prove effectual, without violating the Company's charter. He, therefore, for one, made no scruple to admit, that the Bills he had proposed trenched on the Company's chartered rights; and if there was any guilt in having been the minister who proposed such a measure, he desired to be ranked with the other criminals. But while gentlemen were prone to accuse upon this ground, let them examine the nature of the case a little, and see how a violation of the charter could be avoided. The constitution of the Company, as it stood at present, was admitted to be absurd, and most inadequate. The court of directors were the nominal ministers of the Company; they gave orders to the Company's servants in India; the Company's servants in India disobeyed those orders, and having an influence upon the court of proprietors at home, the court of proprietors over-ruled the court of directors. This was a perfect mathematical figure, but it was very far from a perfect political one. The House had heard that the directors wrote fine letters; this certainly did them great credit; but, from the circumstances above mentioned, nothing was ever done in consequence, and all the important business of the Company ended where it began—in a fine letter! It was admitted on all hands, that something was necessary to be done; but the right hon. gentleman had said, the necessity was not made out, and the Company had not been proved to be bankrupts. His right hon. colleague had not charged the Company with being bankrupts; but he would venture to say, that had private and individual traders done as much as the Company had done in many instances, they would have committed acts of bankruptcy. The Company owed money which they could not pay: the Company were liable to many demands, which they were unable to answer; and they avowed their distress to be such, that without relief from government, they could not go on. The right hon. gentleman was a great master of words: words of his using had, in a very extraordinary degree, changed their meaning since he was young, and much more conversant with that verbal science than now; but surely the word 'confiscation' was not by any means applicable to the present case. In what single in-

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stance was the property of the Company invaded? Nothing of this kind appeared at least in the Bill, which only went to demolish their political, not by any means their real consequence. Confiscation meant the seizing upon property, with a design to appropriate it to the use of other than the right owners. Was this the case? Did the Bill say a syllable about lowering the dividend, breaking in upon the exclusive trade of the Company, or taking away any of their commercial advantages? Where was the confiscation then? That a regulation was necessary, every body allowed; and would it be contended, that the powers exercised under a constitution, proved by experience to be inadequate to the government of our territorial acquisitions, and the management of our territorial revenues in India, ought to be entrusted, under a new constitution, in the same hands, which had proved incapable of directing them with effect for so many years together? A new system was absolutely necessary, and that immediately. Either the one proposed in the Bill ought to be adopted, or those who objected against it, ought to propose a wiser.—His lordship next entered upon an examination of Mr. Pitt's remarks on Mr. Fox's observations and objections, controverting several, and clearly shewing, from the nature of each, that another day would throw no new light upon the question on which the Bill ought to rest. He explained such of the entries in the Company's state of their affairs as had come under his cognizance while at the head of the Treasury, particularly mentioning their claim on account of the expenses of the expedition to Manilla; which, he said, had been fully considered by the board of Treasury, who had long since declared they had paid as much as they thought the public ought to pay on that score, The Hospital expenses he stated also to stand exactly on a similar footing. He then went through the other articles, and spoke of the debts due from the nabob Asoph ul Dowla, and the nabob of Arcot. He shewed, that the poverty of the latter was not to be ascribed to the distress occasioned by an expensive and calamitous war; Hyder Ally having never invaded that part of the Carnatic, and the country having been solely in the possession of the British, though the face of it had, he believed, all the appearance of having been ravaged and destroyed by an enemy. After urging the necessity that some measure with regard to India should be adopted immediately, reminding the House that his Majesty's Speech from the throne, at the commencement of the last session, called upon them to turn their attention to the affairs of India as soon as they possibly could, repeating his argument, that the present Bill was not oppressive, denying that it gave more influence to the crown or the ministers, and shewing, that the other stages through which the Bill must pass, would afford so much time for investigation and discussion, that there could be no reasonable plea advanced to prove the propriety of the present motion for an adjournment; his lordship concluded with declaring, that he should vote against the question, and should be for the Bill going into a committee.

Governor *Johnstone* observed, that the noble lord's speech was full of absurdities and contradictions. He pledged himself to prove the correctness of the account, on which Mr. Fox had so freely remarked, and particularly noticed the art of the right hon. gentleman, who by confounding dates and places, had attempted to mislead the House. He averred, that the debt of the nabob of Oude would be paid, without the practice of any severities, which the right hon. gentleman had so pathetically described. He appealed to general Smith, to prove the populousness and the extent of Oude: the hon. gentleman, he said, knew Oude and the late vizier, from whom he had received some civilities, perfectly well. He contended, that it was not from the *ex parte* evidence of the select committee, or from an artful misstatement of facts, that the Company should be punished by the forfeiture of its charter, but by specific charges, to which specific answers might be given. He denied that the Company were in any thing like the state of bankruptcy: they were under circumstances of temporary distress, he acknowledged; but their affairs were promising, and their credit good. The right hon. Secretary had said, that as they stood indebted to government for duties, and were in need of assistance, government was justified in seizing upon the Company's charter, to secure the public revenue. This was a most unjust argument. The Company had sufficient credit to raise much more than they now wanted, without the aid of government, but their hands were tied by an act of parliament. Thus government first created a disability, and now meant to take a most

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unhandsome advantage of it. As a proprietor, he would resist, to the last moment, the fallacious and unjustifiable proceeding now going forward; and would sooner lose every shilling of stock he possessed, than consent to preserve it, by supporting a Bill, which must effectually destroy the British constitution.

The Marquis of *Graham* said, that if the Bill passed, there would be little or no occasion for him to enter the doors of that House again: he rose, therefore, perhaps for the last time, to speak his sentiments beneath that roof. He arraigned the Bill in terms of the greatest acrimony; and after observing upon the argument, that ministers meant to violate the chartered rights of the Company, with a view to prop and support its credit, he said, such means of assisting the distressed were cruel mercies, and more afflicting and injurious than the distress they professed to relieve. The marquis painted the junction of the two secretaries of state as an unpardonable violation of political character, sufficient to excite and justify an eternal want of confidence. In such hands, a Bill like the present was most alarming, since it gave the minister a degree of influence new to the constitution, and dangerous in the extreme. He plainly saw that this influence had already produced some effect within those walls; and if the Bill passed, there would not only be an end of the rights and privileges of the East India Company, but an end of all rights held on the sanction of parliamentary faith, and an end even of the independence of parliament itself.

General *Smith* rose to defend himself from governor Johnstone's insinuation about the present. The general challenged the governor to speak out. With regard to the present, he said it was true a present had been offered him by the father of Asoph ul Dowla; that it was not at the time contrary to law for him to accept one; that he wrote home to the court of directors, and informed them of it; that they ordered him to receive it, and desired him to keep it as a reward for his services to the Company.

Sir *Richard Hill* began with declaring it was a fixed principle in optics, that all objects struck the eye of the beholder differently, according to the medium or light through which they were viewed. This maxim was fully verified by an experiment made in April last, by only moving the right hon. Secretary from the side of the House on which he (sir Richard) stood to the other. Placed where he now was, he viewed the Bill in his hand as calculated to "remedy all those alarming disorders which have long prevailed, and still continue in the management of the territorial possessions, revenues, and commerce of these kingdoms in the East Indies," &c. But, had such a Bill been brought in by administration when the right hon. gentleman sat on the other side of the House, it would have appeared to him in very different colours indeed. He doubted not but the right hon. gentleman would have viewed it again and again, through two glasses, which he constantly carried about with him: he meant his magnifying glass, and his multiplying glass. In the former, it would have appeared big with the most alarming danger of increasing crown influence, and of extending ministerial power, which things were always considered as the bug-a-boos and raw-head and bloody-bones, with which the right hon. Secretary used to terrify his present *cara sposa*, before those two persons were joined together in holy matrimony. But he meant not here to speak against the coalition, or to say any thing personal, as he hoped his Majesty's present ministers would propose such measures as he should be able to coalesce with. In the latter (his multiplying glass) all the evils which the Bill now tended to prevent, with 20,000 more of rapine, injustice, cruelty, violation of rights and charters, weakening of parliamentary faith, &c. would all have danced before his eyes at once. Now, what was the cause of that difference, since the man viewing, and the object viewed, were identically the same? It was plainly owing to some strong rays of a side light, that darted from the East, and perhaps a little horizontally from the *North*, upon the pupil of the right hon. Secretary's eye; so that, without having recourse to the solutions of a Newton, a Priestley, or a Franklin, they might affirm that it was certainly that same north-east light which had such a powerful effect upon the seeing, or, to speak more philosophically, on the visive faculties of the right hon. Secretary. But, he said, that the right hon. framer of the Bill was never without either of the glasses he had mentioned; though, as he observed, things appeared very different to him, according to the medium through which he looked, and whether the particles of matter, of which he was com-

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posed, were placed on that side of the House or the other.—Seated on that illustrious bench, on which the sun always shone, when he viewed the Bill through his magnifying glass, in the first place, it much aggrandized himself, and all his influence as a minister of state, insomuch that he looked as if he really could carry the India House on his back, as a print just published humourously represented him to be doing. Secondly, it aggrandized the seven commissioners, or holy emperors, and their eight assistant directors. Thirdly, it aggrandized needy adherents, and raised them from Lilliputians to Brobdignagians and Patagonians. As to the right hon. gentleman's multiplying glass, as he at present held it up to look at the Bill, in the first place, it greatly multiplied friends and jobbers, who would stick to him at every pinch, 'Over shoes, over boots.' Secondly, it multiplied all his various interests, all his connections, all his powers; not only at home in this country, but by sea and land, and all over the globe. But when he said, that it multiplied all his powers, he must except his intellectual powers, and the powers of his eloquence, as he really thought these could not be magnified or multiplied. Thirdly, which was by far the best of all its multiplying powers, it multiplied the rupees and the guineas, if not to the nation, yet to the happy favourites who were to taste the sweets of the Bill for five whole years to come.

And now, leaving optics, he would make an easy transition (at least he would make a transition, whether an easy one or not) from allegory to the Bill itself, the particular parts and clauses of which he should leave to be discussed by those who were much more equal to so great a work than he was. He should therefore only observe, with regard to the principle and spirit of the Bill in general, that they appeared to him so exceedingly opposite to the whole genius of the constitution, and to those benign laws by which it was supported, that the directors were hardly allowed the privileges which, in courts of judicature, were granted to felons; for, in cases of felony, seizure and confiscation never took place till after conviction; whereas, in the present instance, the parties were not even accused of any specific crime. But, should the Bill pass the House (the House, he hoped, would pardon the supposition), it must afford much satisfaction indeed to those who were nearly interested in it, especially to the body of petitioning directors, that they had a powerful friend in the other House to plead their cause, and to support their rights; he meant the noble protesting duke at the head of the Treasury board, who, when the East India regulating bill was brought in, just ten years ago (which bill did not go near so far as the present), testified his hearty dissent from it in the following strong terms: "Because it was not only a high and dangerous violation of the yet unquestioned charter of the Company, but a total subversion of all the principles of the law and constitution of this country: because the election of executive officers in parliament is plainly unconstitutional, productive of intrigue and faction, and calculated for extending a corrupt influence in the crown: it frees ministers from responsibility, whilst it leaves them all the effect of patronage." Thus protested the noble duke; and sir Richard doubted not but he would be as steady in his principles till death, as the much-lamented marquis, who joined with him in the protest. He remembered that the right hon. Secretary asserted, when this Bill was read the first time, that charges of peculation were withheld, because money was sent over to the directors, which stopped their mouths, and prevented their complaints. He doubted not but the right hon. gentleman himself felt what he said, when he asserted this; and that the same right hon. gentleman knew full well that money had, indeed, a wonderful power of stopping mouths, and of changing men's language, and even of their connections; yea, that it out-did what the poet said of music, that it had

—— charms to sooth the savage breast,
To soften rocks, or bend the knotted oak.

but how far it had been done in the case before them, remained yet to be proved.

Mr. *Boottle* declared, he wished it to be explored, whether the court of directors' statement, or that given by the Secretary of State, was the true one, before the Bill was committed. He had 4,000*l.* India stock, but he had rather let it all go to the ground, than assent to such a Bill as that before the House, unless he was convinced that it was absolutely necessary.

Mr. *Mansfield* defended the Bill, and endeavoured to rescue it from the calumny thrown upon it.

Mr. *Grenville* supported Mr. Pitt's motion for adjournment, and urged the in-

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decency of sending the Bill to a committee so precipitately, when only a single day's postponement was desired.

Lord *Maitland* supported the Bill, and justified it on every principle upon which it had been attacked. He declared that it drew influence from its lurking place, and set it full in the view of the House of Commons; so situated, it was not to be feared: it was therefore puerile to pretend an alarm where there was not the least cause for any. He declared his thorough confidence in his friend Mr. Fox, and charged the opponents of the Bill with having shifted their ground since the first day of the session, when they called out so vehemently for a system.

Mr. *Hussey* said, if the division went upon the question of the commitment, he would divide for the commitment, because he thought that Bill, or some Bill, immediately necessary. If the adjournment was really desired, only to obtain more information, he would vote for it; but if it was merely for the purpose of delay, he should oppose it.

Mr. *Erskine* began with observing, that if the House were to adjourn its deliberations till those gentlemen informed themselves, who seemed to set all information at defiance, there was an end of all prospect of decision. On the day the Bill was first proposed by the right hon. Secretary, the right hon. gentleman who had moved on that day for an adjournment, had boldly pronounced it to be infamous in principle, and ruinous in policy, and that it did not deserve one moment's reflection; desiring however, at the same time, a week to reflect upon it. But even that contradiction, gross as it must appear, was nothing to the proposition of that day; for the right hon. gentleman, after once more declaiming against the Bill as radically defective in all its principles, and pronouncing upon the impossibility of its being endured for a moment by the House, yet begged that it might not be trusted to its determination, and asked one day to examine into the comments made by Mr. Fox upon the Company's accounts, as being absolutely necessary to guide their determination; though he had said, not a moment before, that the Company's solvency, or insolvency, had nothing to do with the question, as no state that could be imagined would cure the objections he found to the injustice and impolicy of the proceeding.

Would the right hon. gentleman stand up and declare, that if he (Mr. Erskine) should throw him his pencil across the table, and say, blot out those figures that are to be found in the account, and insert any others you think fit, that there was any possible state of the Company's affairs which he could form out of figures that would bring him round to vote for the Bill: would he say so as a man of honour? And if not, was it not a most palpable self-evident plan of procrastination, to desire time to know whether those observations on the acoounts were true, which, whether true or false, he could not pretend to say would change any one of his ruling sentiments on the subject? Such conduct, however, could not deprive them of one vote; for an hon. gentleman had a little before declared, he should approve of the adjournment, unless he could be convinced that it was a mere scheme of delay; and as he knew that gentleman's mind too well, not to be certain that such absurdity and contradiction would shock and disgust him, he would venture to count upon him as staying in the House on the decision, upon his promise, that his vote was to depend upon his belief of what no man of his sense could disbelieve.

Mr. Erskine said, that the whole plan of moving the adjournment was, first to declaim themselves against the Bill, and then to move a new question, to prevent the supporters of the Bill from defending its principle, and vindicating its necessity; that it might go forth into the world, that those who supported ministers, had no reason but corruption to give for their conduct: thus the Bill was to be cried down within the House by unmeaning and intemperate declamation, and without it, by prints and hand-bills. But he thought it a duty he owed to himself and to the public, whose voice he respected, not to be so held back from giving his reasons for thinking the Bill just in its principle, and wise in all its objects; that whatever gentlemen might think fit to admit that day, he might appeal to all who heard him, that both sides of the House had over and over again agreed, that the affairs of the East Indies had been for a long time conducted in a manner ruinous to the interests, and disgraceful to the character of the nation; and that all our calamities there had arisen from the defect of a due control over the governments of India, from the want of a government here sufficiently stable and important; the East India Company being originally erected

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into a corporation for the purposes of commerce, and not for political sovereignty: that this accounted for those relaxations in their orders, which had produced oppression, plunder, depopulation, and famine. That when such ruinous defects were universally felt in the system that existed at present, the House ought to listen with the greatest temper to the proposition of another: if it was defective, it might be corrected; but, in discussing the principle, it was not enough to find fault with it without being able to substitute a better, since both sides agreed that some new system was absolutely necessary. As to the right of adopting the new system, when the necessity of abolishing the old was admitted, he went much farther than was necessary for the support of the Bill, which proceeded principally upon the abuse of authority by the Court of Proprietors; whereas, he always thought the very existence of such a body, for the purpose of governing so immensely important an empire by a ballot of men and women, and foreigners, enemies to our prosperity, was impolitic and absurd.

That while the East India Company continued a body merely commercial, it was very fit that they should appoint their own factors to regulate their trade, and their military officers, who protect it; but that no analogy to that state remained now, since, by the advancement of commerce, and the accession of territories vesting in the state, private trade had become inseparably connected with public credit and public government. In such a condition of things, was it fit that private subjects should rule over the territories of the state without being under its controlling powers, and, by mismanagement, not only to risk the loss of them, but to throw the whole empire into war? If the sovereignty over the East Indies belonged to the crown and the nation, which no man could deny, since it was expressly excepted out of every charter and act of parliament given to the Company, it was impossible to say that it was tyranny or injustice in parliament to exercise that sovereignty at the call of a strong necessity. That a charter being a grant of powers and privileges to individuals for the benefit of the public, it was liable in its very nature to revocation when its continuation became detrimental, either from misuses, or a change in circumstances not foreseen at the time of its institution; and that those who, admitting the necessity, opposed the Bill on the foundation of the Company's charter being inviolable, fell into the same absurdities and contradictions that marked and distinguished their whole conduct.

The right hon. gentlemen had called for a new system—no palliatives or emollients; yet when the new system came forth, he condemned it, because the Company's chartered rights were not to be touched. He would be glad to know how it was possible to adopt a new system, by parliamentary authority, without striking at those charters which entitled the Company to continue the old one. Gentlemen were fond of mixing private injustice with public impolicy, to prevent that contradiction from being felt: but he would first force them to admit the right of altering the charter, if necessity and policy justified it, and then proceed to shew that there was in the instance this justification: they had, indeed, already admitted the right, by calling for a new system, which could not be adopted without that violation of the Company's charter which they complained of. If, on the one hand, their argument that they were inviolable was just, there could be no sort of alteration at all, and the new system which they called for was gone; right being equally sacred in all its degrees: if, on the other, they could be justly altered in one degree upon one necessity, they might in another upon another necessity; which brought the whole to a question of policy, and put an end to the declamation concerning the infringement of the right.

The hon. gentleman who spoke of the novelty of this daring proceeding, had certainly never read the other acts, by which the Company's charters had been altered to a great extent; he had protested, in the name of the Company, against several of them, as counsel at the bar, without any effect. The Regulating Act, in 1773, gave to parliamentary commissioners the whole military and civil government of India, unfortunately giving it to persons abroad, without a due control at home, which inverted the order of government and subordination: he did not, however, blame the noble lord who was then minister for that arrangement, since the affairs of the East might not then have justified what they did now, and the minds of men might not have been prepared to support the change.

He then stated the different acts by

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which the dividends of the Company had been restrained, to shew that parliament had even gone farther than by the present Bill; as these acts affected the property of individuals, by restraining the dividends; whereas the present only put them under a public trust. This was not a bill of penalties or confiscation, but calculated to improve and secure the territorial revenues and commerce of the East, to those who were entitled to an immediate personal benefit from them, only securing it to them in a manner more consistent with the general interests of the public.

Great clamours had been raised against the clause which authorized the new commissioners to seize on the books, money, and boxes of the Company, which had been compared to the impudence of a robber, who should break into a man's house, and call himself his trustee; but he had not such a despicable opinion of his audience, as to think it necessary to distinguish the unauthorized act of one individual towards another, for his own private purposes, to the superintending care of public councils, in a case where it could not be asserted that one farthing of private property was intended to be divested; for the dividends were still to be regulated by parliament, as they had been before, by the acts he had alluded to. That, setting aside all these abstract principles, there was good ground for the Bill on the score of misuse; for that, Mr. Fox had truly said, they had abdicated the government over the East. To prove this, he stated the proceedings of the select committee, which sat for months, examining witnesses and records, on whose report the House had resolved to recall Mr. Hastings; the similar resolutions afterwards by the directors on the same evidence, and not on the authority of the resolution; the vote of the proprietors defeating the operation of both, in the sudden tumult of a ballot, without looking at a record, or asking a question; and the thanks voted without evidence in the same tumultuous manner to Mr. Hastings, on the arrival of his letter, setting the directors at defiance. He said, that the proprietors who voted these thanks under all these circumstances, even if Mr. Hastings had had all the merit they imputed to him without evidence, abdicated their own government over the East Indies, and gave up, at the same time, the sovereignty of parliament over it; which left no alternative between the destruction of the proprietors' authority and the surrender of its own.

He then proceeded to consider the policy of the new system. It had been said to be a bill introduced by ministers, for their own private purposes, rather than for the objects of government. A bold assertion, when the regulations of the other Bill were attended to, which, so far from leaving to ministers or their substitutes the uncontrolled direction, marked out their duty in the most specific terms. He said, he should not then discuss them, as being more proper for the committee; but that they contained, upon the whole, a body of reform equally important to the interest and character of the nation. That the powers were given to the commissioners during good behaviour, subject only to removal on the address of both Houses, to give stability to government, the want of which had been ruinous, and which could not be obtained in any other way while the present state of parties in England continued. As to the influence of the crown, he thought it was the duty of parliament to attend to its advances; but that it was too much to say, that the most important trusts of government were to be left to private men, and to women, and foreigners, for fear the legislature should pervert the powers that ever follow government, to the ruin of the constitution. Was there to be no government, because it was subject to abuses? And were we not to chuse the least of evils, because we could not attain perfection? That there was a sufficient strength in the House to punish an abuse of the powers given by the Bill, and that it was dishonourable to the House to support its own honesty, because of the patronage that attended government: that it was mighty easy to deal in general charges of corruption; but that he trusted (in the manner stated in Friday's paper) that there was as much concern for the public on the part of government, as in those that opposed it. When the House came to divide on the question, he said he would venture to prophesy, that there would be found as much learning, as much historical knowledge of the East and of the West, as much information concerning the laws and constitution of our country, as honest a regard for both of them, as much public spirit and as much private honour, on the side of the House on which he stood, as on the other; and that the right hon. gentleman (Mr.

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Pitt) would find it rather a difficult task to persuade the people of England that all of them, whose names were found in support of the Bill, were a set of wicked conspirators against the private rights of individuals and public privileges of the nation. He declared solemnly, upon his honour (which had never, he thanked God, been called in question, in public or in private) that he gave his most conscientious support to that urgently necessary reform; and that his understanding was confirmed in its original conception, by the support it had received, in conduct and in argument, from the great and eloquent statesman who presented it to the House, whose talents seemed to be formed by Providence to retrieve this still great country from its fallen and oppressed condition. Let his right hon. friend go on with firmness, and risk his office at every step he took, and he would combat, as he now did, by his side, at the hazard of every prospect of ambition. Let him stand upon his own manly, superior understanding, and the integrity of his heart—which he knew was ever ready to guide it in the course of his duty—and he would stand for ever by him, or be ready to sink with him in his fall.

Mr. *Macdonald* began with observing, that he should not think himself warranted, either from the lateness of the hour or the solemnity of the occasion, to follow the learned gentleman, by making his own panegyric, or that of any other person. He agreed with him, however, in referring all to the panegyric or condemnation of mankind, who would pass their sentence upon the candour and decency of ministers, in refusing so much time for the examination of contested accounts, some of which had not even been read to the House, as would elapse till the handle of that clock returned to the figure to which it was at that moment pointing. He said, that the question in its present form was but a narrow one, and that he should, in conformity to regularity in debate, have confined himself strictly to it, had not some observations fallen from the learned gentleman, which must not pass unanswered. With respect to the question of adjournment, with what justice could it be said, that these important accounts were not one of the foundation stones on which the minister had built his plea of necessity? A gentleman peculiarly versed in those accounts, professed himself a friend to the commitment of this Bill, and yet differed entirely from the Secretary's defalcation, by the mode of stating the freight, a very extensive article one way or the other. The Secretary had scarcely finished his assertion, that the debt from the vizier was perfectly desperate, when the general (Smith) behind him declared, that he was satisfied that debt was now paid: that the debt from Tanjore was also called a debt to be obtained by armaments and rapine; to which it had been answered, that it was but one year's arrear of a tribute, comparatively small, and in general regularly paid: that the whole dead stock of the Company was struck off at one blow, and even their extensive property in London, estimated by surveyors at 250,000*l.* was not allowed them in account, and their own capital stock was considered as a debt to others: nay, an account presented in evidence, shewing that the circumstances of the East India Company were far better now than in 1773, had not even been read, although at that period the authors of this Bill thought it impolitic and unjust to interfere merely by way of prevention. How far all those circumstances should be admitted or excluded from the statement given in, without farther evidence, without farther information, without farther consideration, he would not, for one, determine; but said, that since that evidence and consideration was refused, the consequence must inevitably be, that he must take the account given in to be true, when compelled to divide in the moment, and precluded from examining the grounds on which it had been attempted to impeach it. Could it be conceived that a delay of a few hours could be seriously meant as a colour for procrastination? How many would undertake to say that they could decide on a sudden, upon controversies arising in the House out of the nature and course of the East India trade? Such as could not, he argued, must agree to the short adjournment; if they did not, they could only proceed in the Bill, admitting what the Company stated to be literally true.

Having urged these arguments with great force, he observed, that as it was plain that the time asked for would be refused, he should next advert to what he considered as the most alarming wound to the constitution of this country that ever had been given; that a trap was laid for the liberties of the nation by this measure, and that it was attempted to entangle men's judg-



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ments, by hurrying them through accounts at one moment, and attacking their feelings by pathetic accounts of the misconduct of the Company's servants at another. The learned gentleman, he observed, had set out with saying, that a system had been called for, and was now objected to when produced; but, what was that system? A most compendious one indeed, which must be comprized in these few words: "Give India to me for five years certain, and I will manage it for you." No less than three different grounds had been laid, on three different days, for this enormous design. At the opening of the session, it was grounded on a description of Mr. Hastings's conduct, which he, who had laboured hard in the service of the House, and had served his apprenticeship to that business, would undertake to shew was, in many instances, without solid foundation, and in every instance exaggerated, although he condemned his politics in many points. This, however, was a work of great detail, and not then necessary. On a subsequent day, it was grounded on the supposed bankruptcy of the Company; and it was now grounded by the hon. gentleman on a radical defect in the system. How came that radical defect, which must ever have been operating, to have been reserved for his discovery? The truth was, that misconduct of servants, extortion, and radical defect of system, where there was some ground for them, were the hackneyed pleas for subverting the rights of men; they were the precise grounds upon which that most infamous of all instances, the Quo Warranto against the city of London, hinted at by the counsel, was grounded. The similarity of the arguments then and now used, was as striking as the resemblance of the cases themselves; and he could not help reading two or three passages of the Attorney-General's reply, which was the neatest epitome of the argument now used by the minister and his friends; it was so close, that even the stale allusion of the physician and his patient was not omitted; but he believed it would be for the future, after an observation made by a gentleman, whose good sense could only be exceeded by his good humour, when he observed, that this Bill called in fifteen doctors to a patient requiring some assistance, who began by bleeding, vomiting, and blistering, and binding him in a strait waistcoat. Mr. Macdonald here read the passages, changing the word 'city' for 'company,' which were exactly apposite, and ended with these words of the Attorney-General, 'that he was only gently laying his hands upon their charter for their cure."*

He proceeded to advert to Mr. Erskine's distinction between the right to violate the charter and the policy of it, and said the distinction was sound; but that when he, Mr. Erskine, talked of its having been maintained that charters were immutable, by those who themselves had brought in a Bill stripping the proprietors of all their chartered rights, he ascribed to them most unmeaning stuff, which they never had the folly to assert, and was mistaken in the fact as to the bill alluded to. The doctrine respecting the infringement of charters was simple and well known: either extreme of the proposition was absurd; either they were to be altered, much less cancelled, without ceremony, or they were never in any possible case to be meddled with. The true line was, that state necessity would justify an alteration, provided that it was strictly commensurate to the necessity. The reason was obvious, because where two parties contracted in the ordinary way, neither of them had the power to infringe or annul it, but a third tribunal must be resorted to: whereas, in a case of a contract with the public, the one party was completely in the power of the other. It was, then, the true question in the present case, whether it was necessary to cut down the charter, root and branch, or whether many amendments, far short of so desperate a violation of contract, would not be sufficient. He contended, that the Bill brought in last year proved that they would; and avowed himself to have had a great hand in the formation of that Bill, and would refer to it, to prove that the interference of the stock-holders was infringed in the single instance of having no share in chusing the superior servants in India. He proceeded to observe on that Bill at some length, in order to shew that none other than negative or preventive powers, such as those of recalling the servants in India, or disapproving the choice of the directors, were given to the ministers; and that to consolidate the governing power there, and regulate it here, together with an anxious attention to the rights of the natives, were the leading objects of it. But, said he, advert to the political consequences of the present

* See Howell's State Trials, vol. 8, p. 1213.



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Bill: influence, arising from a patronage of near two millions a year, is to be thrown into the hands of a particular party, which means a particular minister, for a lease of five years. Mr. Erskine, he observed, had accused those who viewed this in two different lights, of inconsistency;—some supposing it to be adverse to the power of the crown, others the direct reverse. But the confusion was of his own creating; for when coupled with the legitimate influence of the crown, it was plain it must add to it tenfold. But if this bastard influence should be contrasted by those subjects to whom it was to be leased, with the legitimate influence of the crown, a conflict would ensue, which might crush this constitution in the shock. He reminded gentlemen of the disgust with which he had repeatedly heard, that the bankrupt nabob of Arcot, as he had been stiled in the debate, had thrust five or six members into that House. What, then, was to be expected from the sovereign of Bengal, Bahar, and Orixa, of our Circars, and other possessions in the Carnatic, or on the coast of Malabar; from the universal and exclusive merchandize to India and China, and the commissioners of a vast standing army, and great trading fleet? Gentlemen must think that the ancient constitution of mutual services and kindnesses, which have long bound them and their counties and boroughs together, would soon be broken through by a candidate furnished with a ticket from an Indian commissioner, who might promise every thing, and readily perform a great deal. That he never should give his consent to a measure which must have this effect, and which left it uncertain where the reversion of this irresistible power was to fall; that he should on every occasion, and in every stage of it, *manibus pedibusque*, oppose a Bill, which left the crown indeed where it was, but placed the sceptre in another hand.

Mr. *Dempster* said, this was one of the greatest and most important questions that ever came before the House: he hoped, therefore, it would be deliberately discussed and wisely decided. With regard to the violation of charters, he thought all chartered rights should be held inviolable, the rights derived from one charter only excepted—he meant the charter of the East India Company. That was the single charter that ought, in his mind, to be destroyed for the sake of this country, for the sake of India, and for the sake of humanity. He complimented lord John Cavendish on his wish, declared in the House more than once, that every European was driven out of India, and that we only enjoyed the commerce of that part of Asia, in like manner as we enjoyed that of China. He lamented that the navigation to India had ever been discovered, and conjured ministers to abandon all idea of sovereignty in that quarter of the globe. It would be much wiser for them to make some one of the native princes king of the country, and to leave India to itself. After cautioning the House against running down the court of proprietors, Mr. Dempster said, he saw which way the House was inclined, and therefore he should withdraw, as he would not vote against his principles for the throne of Delhi.

Mr. *Thornton* made a short speech against the Bill, and in support of the adjournment.

Sir *Henry Fletcher* entirely agreed with an hon. gentleman, that this was one of the greatest questions that had ever come before that House. But let them view it so far as it respected India, there they would find, that Providence had placed under the British government upwards of twenty millions of people, who had a right to be well governed, and agreeable to their own laws and customs. He also agreed with the hon. gentleman, that it would have been much better for this country, and for Europe in general, if the navigation to the East Indies had never been discovered; but they must now consider their present situation there and at home; and he could not agree with the hon. gentleman, that it would be right to give up their possessions there; for were they to evacuate them, some other European nation would seize them, most probably France; and then this nation, once so glorious, having lost her western and eastern empires, would become insignificant in the eyes of Europe and the world. Seeing the question in this great national point of view, he the day before had resigned the high situation which he held at another place, that his mind might be free and open to judge of a question of such great importance.

Sir Henry said, he would now take a very short view of the present state of our affairs in India. Our last advices said, that the Mahratta peace was concluded; he wished that might be the case; there were some suspicious circumstances at-

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tending it, and one open breach of it, by the capture of one of our ships, some months after the ratification; but, however, our orders were given for the restoration of all our conquests to the Mahrattas, and a new treaty was negociating, and far advanced with Madajee Scindia, for a partition of the dominions of Tippoo Saib, the successor of Hyder Ally, should he not accept the terms stipulated for him in the Mahratta treaty. Tippoo Saib, so far from claiming any benefit from that treaty, marched his army rapidly to his northern provinces, which were invaded by our army under general Matthews; he found the province of Bednour taken, and our army dispersed all over it, which, with their general, surrendered to him; and all the province, except Mangalore and one small place, with their garrisons, by last advices were in his hands. Mangalore was besieged, and we were sending reinforcements to their assistance: we had also invaded his southern provinces with another army, by the way of Tanjore. The peace of Europe was known in India; we had now a large force to spare on the Coromandel coast, and should the partition treaty go on, it was impossible for any one to say where this war might end. The nizam and the rajah of Berar were well known to be much disgusted at the Mahratta treaty made by Scindia, and should they join their forces to Tippoo Saib, the war might be long and ruinous. Such was the present state of the war in India; and it was well known, the disagreements that subsisted between all our own governments, had been carried to alarming lengths. For all these reasons, he thought it absolutely necessary that something should be done immediately to form a regular and permanent government for that country.

He would now take a short view of the question at home. The secret committee of that House, after sitting above a year, inquiring into the causes of the war in India, came to many resolutions, which the House adopted in May 1782; one of which was, that the East India directors ought to remove the governors of Bengal and Bombay. The court of directors, in consequence, began an inquiry into their conduct. The general court of proprietors met soon after, and came to a resolution, that the court of directors should not carry into effect any resolution they might come to respecting those gentlemen, without first reporting to them in October following. The court came to resolutions, and laid them before the court of proprietors, agreeably to their order. The court of proprietors disapproved of them, and ordered the court of directors to rescind them, and transmit the whole proceedings to India. The court of directors complied, and, agreeably to act of parliament, transmitted their letter to his Majesty's secretary of state, for his approval. The secretary disapproved the letter, forbad its going to India, and laid the whole before parliament, by order of his Majesty, at the beginning of last session. The general peace of Europe at that time engaging the whole attention of parliament, India affairs were neglected, till the pressing necessities of the Company compelled them to apply to parliament for pecuniary relief. Parliament still wishing to go into the India business that session, granted the Company then only a temporary relief of 500,000*l.* on their own bonds; this, he thought, was in the month of April. Public business still engaging the attention of parliament, and India business not coming on, and the necessities of the Company being still pressing, they urged the House for farther assistance; and the consideration of that day was, that the India business was of such a magnitude, that if entered into at that late season, it might keep the House sitting a great part of the summer, and perhaps have a very small attendance. The House again agreed to give the Company a farther temporary assistance of about 1,200,000*l.* by postponement of custom and exchequer bills, which passed into an Act the beginning of July, and which expired forty days after the meeting of the present session. Thus it was that the question of the India business forced itself upon the House through necessity, and the House in its wisdom was bound to fix some permanent regulations at home and abroad.

It had been said, that the Bill gave no pecuniary relief to the Company; it was true it did not: it was a Bill of regulation; but it would be an act of madness to make regulations for the Company, and withhold the relief necessary to carry the regulation into effect; he therefore could not doubt but administration intended a full relief to the Company, and he was clear that the proprietors had an undoubted right to an 8 per cent. dividend. This was his opinion, and he thought he was well founded in it, when he knew that the

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public had received about 2,500,000*l.* since we got possession of the territorial acquisitions; and the Company, on an average, had had a smaller dividend since than before the acquisitions. He therefore thought they had a right to an 8 per cent. dividend, even if the difference between a 6 and an 8 per cent. were to be paid by government itself. Much had been said about the patronage of the Company, and the influence it might give to ministers. He had been in the highest situations of the Company in three administrations, and he did declare to that House, that he had never found in any of those administrations any attempts to take the patronage out of its usual course. There was a known and allowed patronage, given by the directors to his Majesty's ministers for their assistance in India affairs, and he never knew them attempt to go beyond it. Upon the whole, knowing, as he did know, the pressing necessities of the Company, at home and abroad, and the want of regulation, he must be for the commitment of the Bill.

The Hon. Mr. *Fraser* said, that since it was exploded universally, as absurd in all modern governments, to have a dominion within another, over which the parent state had no control; and as the mighty empire of India was of that nature, fraught with fatal powers to do injuries abroad and mischiefs at home, it was high time to regulate those powers, so that one government might direct and rule the whole: he should therefore vote for the Bill going into the committee; not that he knew it was the best possible, but that he felt the object he had mentioned must be obtained; reserving to himself the power, when it was committed, to object to any part of it which he could not in his conscience approve.

Mr. *Samuel Smith*, jun. said, that the situation in which he stood as a director, called upon him to defend those accounts, which, through the mis-statement of the right hon. Secretary, tended to mislead the judgment of that House; and that he would hazard his reputation to prove the authenticity of those accounts by evidence at the bar. Mr. Smith was proceeding through a detail of figures, but the House being extremely fatigued, and the clock shewing it was half past four in the morning, the cry of 'Question,' was so loud, that Mr. Smith, after in vain complaining of the injustice of the House refusing to hear him defend himself and the rest of the directors, desisted, and said he would take a more favourable opportunity of offering what he meant to have said, to their consideration.

At half past four in the morning the House divided on Mr. Pitt's motion, "That the House be adjourned till to-morrow morning:"

Tellers.

| | | |
|---|---|---|
| Yeas | Mr. E. J. Elliot - - - - <br> Sir George Yonge - - - | 120 |
| Noes | Mr. Fitzpatrick - - - - <br> Mr. Sheridan - - - - | 229 |

So it passed in the negative.

*Debate in the Commons on the Motion for going into a Committee on Mr. Fox's India Bill.*] Dec. 1. The order of the day being moved, "for going into the Committee on the Bill for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public,"

Mr. *Powys* stood up, and regretted the necessity which urged him to deliver his sentiments on the subject. Had the debate hinged on the expediency of the Bill—on its probable effects—on its immediate tendency, or collateral influence on the constitution of this country, he should not have been so forward in the discussion. But as the whole complexion of the business appeared to him, the question was level to every capacity: it was, whether the affairs of the East India Company were reduced to such a state of desperation as would justify the adoption of a system which eminently threatened the liberties of this country. He was clearly of opinion against the question. It had been ably and eloquently argued by others, whose talents he admired, and whose virtues he loved: different, and even contradictory accounts of the Company's affairs had been stated to the House: to strike an estimate between these he would not attempt. He observed, that the right hon. gentleman, on the day that he had so very ably opened the Bill to the House, had laid in his claim to have it considered, not as a personal question, but as a question of general policy and expediency: he should consider it, therefore, as no personal question, but should enter upon the discussion of its principle, which he took to be the proper business of that day. He went on to say, that he had read the Reports of the two Committees that had been appointed by that House to inves-

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tigate the state of affairs in India, and had not only received a great deal of satisfaction from the very able and ingenious style in which they were drawn, but from the sound policy and humanity of the reasons they contained. The Reports also afforded, he was free to acknowledge, a considerable share of solid information. He had read them with attention, and was convinced, from having so carefully perused them, that some reform with regard to India was actually necessary; but he did not recollect that a single syllable in the Reports pointed to such a measure of reform as the Bill brought in by the right hon. gentleman; a Bill that, in the most cruel and wanton manner, proceeded to a violation of the rights of the East India Company, sanctioned by charters, and recognized by repeated acts of parliament, and to a direct seizure of their property, involving at the same time an alarming attack on the independence of that House, and upon the very existence of the constitution. The right hon. gentleman who brought in the Bill, had defended it on the plea of necessity. Could any necessity warrant such a Bill, or had the necessity for any such Bill been proved? On what had the right hon. gentleman rested his argument, in order to establish the fact, that there existed a necessity for a Bill of regulation? On two points, the mismanagement of the Company's affairs at home, and the disobedience of their servants abroad. To what had the right hon. gentleman ascribed both these?—to the fault of the directors and the governor-general. Had either of them been punished? No. What said the Bill? Annihilate the directors. Where was the analogy? Upon looking back to the Journals, he saw a resolution to recal Mr. Hastings. Had it been complied with? No. He charged the non-compliance not merely on the court of directors, but on the then first lord of the Treasury and the secretaries of state, and on every first lord of the Treasury and secretary of state from 1773 downwards. Before the House proceeded to adopt a Bill so despotic as that then before them, ought they not to examine and to ascertain the extent of the necessity that called for it, and proportion their remedy to that extent? Could no means be hit upon less violent than those proposed in the Bill, to infuse a spirit of activity and vigour into the constitution of the administration of the Company's affairs here, and to restore subordination and obedience of orders in India? He thought there might: nay, so easy was it to see what would cure the complaints of disobedience in India, that it had even struck him, and he would state it to the House. By a resolution which they had come to in 1782, on the proposition of the chairman of one of the two India committees, it was declared, as the opinion of the House, that Mr. Hastings should be recalled. Let that gentleman be recalled; and when he came home, send him back again; but take care to join Mr. Francis with him: thus make a new coalition. The Mahratta war being at an end, the topic of their former difference was no more, and they might agree together and serve their country well in future; the violence and vigour of the one of these two gentlemen would be corrected and meliorated by the slowness and moderation of the other. Having thus raised a laugh at the expense of the present ministry, Mr. Powys proceeded more seriously to argue the principle of the Bill under consideration, which he reprobated in the severest terms. He went into a comparison between the Bill proposed by Mr. Dundas last year, and the Bill then under consideration. As obedience of orders in India, and activity in the management of the Company's affairs at home, were the two matters which the Reports upon the table complained of, as wanting to give the administration of the Company's affairs the necessary effect, he contended that the learned gentleman's Bill was fully adequate to the purpose; and asked, why the powers intended to be vested in the septemvirate by the Bill, might not, with as much probability of advantage to the public, be vested in the hands of the directors? He said, he rather asked this, because he understood that some of the directors were designed to be converted into commissioners. He alluded also to a noble earl, who had been mentioned to him, as likely to be placed at the head of the board. For that noble lord he professed the greatest esteem and respect: he revered his character, he acknowledged his integrity, and he admired his abilities. The noble earl was capable of adorning any station, and lending dignity and weight to any board at which he presided; but, convinced as he was of this, he could not suffer personal friendship or partiality to warp his judgment, or induce him to approve an institution that appeared to him to be neither wise nor ne-

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cessary; but which was, in fact, rash, despotic, and dangerous to the liberties of the country.

Having reasoned upon its general tendency, he said, he might be permitted to look at the quarter from whence it came. Mr. Powys then entered into a series of sarcastic remarks on the Bill having been presented by the secretary for foreign affairs, instead of the secretary of the home department; not, he declared, that he was sorry to see the activity and vigour of the right hon. gentleman exerted, whether in the execution of his own duty or that of his noble colleague; the more it pervaded every department of Administration, he was convinced, it would be so much the better for the country. But was the House to consider it as a fair acknowledgment on the part of the noble lord in the blue ribbon, of his conscious inferiority? He called on the right hon. Secretary to defend the principles of it on those which had so eminently distinguished his parliamentary conduct, and so peculiarly drawn along with it the love, admiration, and gratitude of his countrymen: and he wished to state the difference as it operated on his own mind, between the champion of influence and the man of the people. He imputed the prominent features of the Bill not to him, however, but to his noble colleague. He knew his abilities, and his virtues of industry, activity, fortitude, and perseverance, to be such as must soon and sensibly pervade every department of government: nor did he dread their influence, could he but see the principle as clearly as the effect: but he did not like to see a necessity created of inspecting, for the sake of liberty, those great and splendid talents which had been so often and successfully exerted in its behalf. This had his opposition, on this as well as on many other more essential and affecting accounts; and that system of government which he had reprobated from the beginning, he averred, was the most obvious and distinguished feature in the business. There appeared to him only the old system of prerogative revived: it was formed in the true system of lord North's administration; 'its voice was indeed the voice of Jacob, but its hands were those of Esau.' Mr. Powys made many quotations from Latin authors and others, to illustrate his argument, and dwelt for a considerable time on the enormous, unprecedented, and unconstitutional influence that the Bill would create, and place in the hands of the minister, if it passed into a law. He said, he had three sessions ago voted, that the influence of the crown was too largely increased, and had lent his support to its diminution. This had been in some degree effected; but what was the proportion of influence diminished by the destruction of a few boards, compared to the influence that would be created by putting the minister in possession of the whole patronage of the East India Company? He enlarged upon this very considerably, and said, if the right hon. gentleman, who drew the Bill of Reform, that even went so far as to lessen the splendour of the crown and curtail the expenditure of the civil list, for the sake of economy, had founded his plan of that day in sincerity, he could not but join him in reprobating and opposing a Bill, that would obviously create so much more influence now than had been taken away, and place it, not in the executive government, where responsibility was lodged by the constitution, but where it might be exercised under the direction and for the service of the present minister, without his having the responsibility for its abuse. If the right hon. gentleman opposite to him, had not been a man of such known moderation, he should not have wondered if people were to put words to this effect into his mouth: "I have now forced myself into a most exalted station; the people, by whose means I reached it, begin however to think less of me than before. But still I have great influence in the country; I have formed connections with many of the first families in the kingdom, families of the highest rank and most distinguished characters, who are all combined to support my administration; I have joined a party which I had driven two years ago from the helm of government, by my unremitted exertions for years together. But as my popularity is on the wane, I will make good use of my time: the whole Indies shall, for this reason, contribute to the splendour and permanency of my power. I will take the advantage of the zenith of my power, to build me a golden fortress in the midst of the land of promise. That fortrses I will not only render impregnable, but garrison with a select number of picked friends and chosen adherents, on whose zeal and attachment I can safely rely: a fortress which no contingency shall be able to assail with success; which shall neither yield to the call of the people, nor the inclination of

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the sovereign." Mr. Powys said, he thanked heaven, the fortress was not finished, though this modern Babel almost reached the clouds already: the shoulders of that House had been galled with carrying bricks and mortar to it. For God's sake, exclaimed the hon. gentleman, let us crush this superstructure before it swells to such an immense size as shall leave no room for the other parts of the constitution. The foundation is strong, the materials are rich and well assorted, and the plan and execution are entrusted to the hands of a master, who will carry it through with address and dispatch. Already there seems hardly a vestige of the company. They were distressed, and they came in their trouble for relief: it was your interest to grant it: but they did not, like Shylock, ask a pound of flesh nearest your heart. An answer to their requisition, however, was the most likely means of answering this Bill, which, for a very problematical good, is pregnant with the greatest evil. Yes! The Westminster committee may meet and censure the ministers of the day, dictate to parliament, and rouse the public to assert and defend their privileges against the influence of the crown; but the directors or merchants concerned in the Asiatic trade, dare not meet innocently and inoffensively to consult about their own mercantile affairs, without risking the whole penalties of this Bill. He had every respect for the right hon. gentleman's talents that was their due; but he wished to see him the servant of his sovereign, and not his master.

He added a great variety of other pointed and personal remarks, and urged the violation of the Company's charter as a matter truly alarming. After reasoning upon this point with great energy, Mr. Powys earnestly deprecated any farther progress with the Bill; recommending that, instead of pursuing such a Bill any farther, a clause should be grafted on the Regulating Bill (which he declared he highly approved, and believed it would meet with unanimous support) for the purpose of giving such additional powers to government, and enforcing such new regulations with regard to the future conduct of the court of directors, as might be requisite. For these reasons he conjured the House to join him in suppressing this most obnoxious and impolitic measure: their honour as well as their justice was deeply affected by the question. He protested, that though these possessions had been frequently called the brightest jewel of the crown, he would rather the crown should drop or lose than wear it in the manner presented by this Bill. He then addressed the Speaker, and beseeched him not to leave the chair; and declared, in the most solemn manner, that whatever was dear to Englishmen, and to the House, depended on the issue of this debate; and that by leaving the chair, he consigned the constitution, the liberties, the glory, and the dignity of the British empire, to ultimate and certain ruin.

Mr. *Burke* rose and said:*

Mr. Speaker; I thank you for pointing to me. I really wished much to engage your attention in an early stage of the debate. I have been long very deeply, though perhaps ineffectually, engaged in the preliminary inquiries, which have continued without intermission for some years. Though I have felt, with some degree of sensibility, the natural and inevitable impressions of the several matters of fact, as they have been successively disclosed, I have not at any time attempted to trouble you on the merits of the subject; and very little on any of the points which incidentally arose in the course of our proceedings. But I should be sorry to be found totally silent upon this day. Our inquiries are now come to their final issue:—It is now to be determined whether the three years of laborious parliamentary research, whether the twenty years of patient Indian suffering, are to produce a substantial reform in our eastern administration; or whether our knowledge of the grievances has abated our zeal for the correction of them, and our very inquiry into the evil was only a pretext to elude the remedy which is demanded from us by humanity, by justice, and by every principle of true policy. Depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanour.

I am therefore a little concerned to perceive the spirit and temper in which the debate has been all along pursued upon one side of the House. The declamation of the gentlemen who oppose the Bill has been abundant and vehement; but

* From the original edition, printed for Dodsley, Pall-mall.

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they have been reserved and even silent about the fitness or unfitness of the plan to attain the direct object it has in view. By some gentlemen it is taken up (by way of exercise I presume) as a point of law on a question of private property, and corporate franchise: by others it is regarded as the petty intrigue of a faction at court, and argued merely as it tends to set this man a little higher, or that a little lower in situation and power. All the void has been filled up with invectives against coalition; with allusions to the loss of America; with the activity and inactivity of ministers. The total silence of these gentlemen concerning the interest and well-being of the people of India, and concerning the interest which this nation has in the commerce and revenues of that country, is a strong indication of the value which they set upon these objects.

It has been a little painful to me to observe the intrusion into this important debate of such company as Quo Warranto, and Mandamus, and Certiorari; as if we were on a trial about mayors and aldermen, and capital burgesses; or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes. Gentlemen have argued with as much heat and passion, as if the first things in the world were at stake; and their topics are such, as belong only to matter of the lowest and meanest litigation. It is not right, it is not worthy of us, in this manner to depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the Bill originated from a secretary of state for the home department, or from a secretary for the foreign, from a minister of influence or a minister of the people; from Jacob or from Esau. [An allusion made by Mr. Powys.] I asked myself, and I asked myself nothing else, what part it was fit for a member of parliament, who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged, by the research of years, to wind himself into the inmost recesses and labyrinths of the Indian detail—what part, I say, it became such a member of parliament to take, when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the East. In this light, and in this only, I will trouble you with my sentiments.

It is not only agreed but demanded, by the right hon. gentleman (Mr. Pitt) and by those who act with him, that a whole system ought to be produced; that it ought not to be an half measure; that it ought to be no palliative; but a legislative provision, vigorous, substantial, and effective.—I believe that no man who understands the subject can doubt for a moment, that those must be the conditions of any thing deserving the name of a reform in the Indian government; that any thing short of them would not only be delusive, but, in this matter which admits no medium, noxious in the extreme.

To all the conditions proposed by his adversaries the mover of the Bill perfectly agrees; and on his performance of them he rests his cause. On the other hand, not the least objection has been taken, with regard to the efficiency, the vigour, or the completeness of the scheme. I am therefore warranted to assume, as a thing admitted, that the Bills accomplish what both sides of the House demand as essential. The end is completely answered, so far as the direct and immediate object is concerned.

But though there are no direct, yet there are various collateral objections made; objections from the effects which this plan of reform for Indian administration may have on the privileges of great public bodies in England; from its probable influence on the constitutional rights, or on the freedom and integrity of the several branches of the legislature.

Before I answer these objections, I must beg leave to observe, that if we are not able to contrive some method of governing India well, which will not of necessity become the means of governing Great Britain ill, a ground is laid for their eternal separation; but none for sacrificing the people of that country to our constitution. I am, however, far from being persuaded that any such incompatibility of interest does at all exist. On the contrary, I am certain that every means, effectual to preserve India from oppression, is a guard to preserve the British constitution from its worst corruption. To shew this, I will consider the objections, which I think are four.

1st. That the Bill is an attack on the chartered rights of men.



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2dly. That it increases the influence of the crown.

3dly. That it does not increase, but diminishes, the influence of the crown, in order to promote the interests of certain ministers and their party.

4thly. That it deeply affects the national credit.

As to the first of these objections, I must observe, that the phrase of 'the chartered rights of men,' is full of affectation, and very unusual in the discussion of privileges conferred by charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

The rights of men, that is to say, the natural rights of mankind, are, indeed, sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters which we call by distinction 'great,' are public instruments of this nature; I mean the charters of king John and king Henry the 3rd. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called 'the chartered rights of men.'

These charters have made the very name of a charter dear to the heart of every Englishman.—But, Sir, there may be, and there are charters, not only different in nature, but formed on principles the very reverse of those of the great charter. Of this kind is the charter of the East India Company. Magna Charta is a charter to restrain power, and to destroy monopoly. The East India Charter is a charter to establish monopoly, and to create power. Political power and commercial monopoly are not the rights of men; and the rights of them derived from charters, it is fallacious and sophistical to call 'the chartered rights of men.' These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation), do at least suspend the natural rights of mankind at large; and in their very frame and constitution, are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say, a charter of power and monopoly) which is affected by the Bill before you. The Bill, Sir, does, without question, affect it; it does affect it essentially and substantially. But having stated to you of what description the chartered rights are which this Bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights in their fullest extent. They belong to the Company in the surest manner; and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of parliament; they have been bought for money—for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I, therefore, freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of 60,000 men; and to dispose (under the control of a sovereign imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter and by acts of parliament, in my opinion, without a shadow of controversy.

Those who carry the rights and claims of the Company the furthest, do not contend for more than this; and all this I freely grant. But granting all this, they must grant to me in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original self-derived rights, or grants for the mere private benefit of

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the holders, then such rights or privileges, or whatever else you chuse to call them, are all, in the strictest sense, a trust; and it is of the very essence of every trust to be rendered accountable; and even totally to cease, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate derivative trusts, I do not see how a controversy can be maintained. To whom, then, would I make the East India Company accountable? Why, to parliament, to be sure; to parliament, from whom their trust was derived; to parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very charter which is held out to exclude parliament from correcting malversation with regard to the high trust vested in the Company, is the very thing which at once gives a title, and imposes a duty on us to interfere with effect, wherever power and authority originating from ourselves, are perverted from their purposes, and become instruments of wrong and violence.

If parliament, Sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the Company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this House to be an active accomplice in the abuse.

That the power notoriously, grossly abused, has been bought from us, is very certain. But this circumstance which is urged against the Bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our control. We had not a right to make a market of our duties.

I ground myself, therefore, on this principle—that if the abuse is proved, the contract is broken; and we re-enter into all our rights; that is, into the exercise of all our duties: our own authority is, indeed, as much a trust originally, as the Company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right hon. mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that in one and the same plan, we provide a real chartered security for the rights of men cruelly violated under that charter.

This Bill, and those connected with it, are intended to form the Magna Charta of Hindostan. Whatever the treaty of Westphalia is to the liberty of the princes and free cities of the empire, and to the three religions there professed—whatever the Great Charter, the Statute of Tallege, the Petition of Right, and the Declaration of Right, are to Great Britain, these Bills are to the people of India. Of this benefit, I am certain, their condition is capable; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

The strong admission I have made of the Company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *à priori*, against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and character of pedlars. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education, which tends wholly to disqualify men for the functions of government, but

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that by which the power of exercising those functions is very frequently obtained, I mean a spirit and habits of low cabal and intrigue; which I have never, in one stance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st. The object affected by the abuse should be great and important. 2d. The abuse affecting this great object ought to be a great abuse. 3d. It ought to be habitual, and not accidental. 4th. It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter. A right hon. gentleman (Mr. Pitt) has said, and said I think but once, and that very slightly (whatever his original demand for a plan might seem to require) that, 'there are abuses in the Company's government.' If that were all, the scheme of the mover of this Bill, the scheme of his learned friend, and his own scheme of reformation (if he has any) are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are, of which the gentleman speaks so very lightly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do, that you may judge whether in that map I can discover any thing like the first of my conditions; that is, Whether the object affected by the abuse of the East India Company's power be of importance sufficiently to justify the measure and means of reform applied to it in this Bill.

With very few, and those inconsiderable intervals, the British dominion, either in the Company's name, or in the names of princes absolutely dependent upon the Company, extends from the mountains that separate India from Tartary, to cape Comorin, that is, 21 degrees of latitude!

In the northern parts it is a solid mass of land, about 800 miles in length, and 4 or 500 broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but, narrower or broader, you possess the whole eastern and north-eastern coast of that vast country, quite from the borders of Pegu.—Bengal, Bahar, and Orissa, with Benares, (now unfortunately in our immediate possion) measure 161,978 square English miles; a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles, not a great deal less than England. The Carnatic, with Tanjore and the Circars, is 65,948 square miles, very considerably larger than England; and the whole of the Company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries, of which it is composed, came into our possession, they were all eminently peopled, and eminently productive; though at that time considerably declined from their ancient prosperity. But since they are come into our hands——However, if we make the period of our estimate immediately before the utter desolation of the Carnatic, and if we allow for the havock which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than 30 millions of souls; more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number, is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the river of Amazons, or the Plate; but a people for ages civilized and cultivated; cultivated by all the arts of polished life, whilst we were yet in the woods. There, have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There, are to be found the chiefs of tribes and nations. There, is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living, and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, indi-

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vidual houses of whom have once vied in capital with the Bank of England; whose credit had often supported a tottering state, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men, the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there, I should compare it, as the nearest parallel I can find, with the empire of Germany. Our immediate possessions I should compare with the Austrian dominions, and they would not suffer in the comparison. The nabob of Oude might stand for the king of Prussia; the nabob of Arcot I would compare, as superior in territory, and equal in revenue, to the elector of Saxony. Cheyt Sing, the rajah of Benares, might well rank with the prince of Hesse, at least; and the rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue) to the elector of Bavaria. The polygars and the northern zemindars, and other great chiefs, might well class with the rest of the princes, dukes, counts, marquisses, and bishops in the empire; all of whom I mention to honour, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in a high degree critical and delicate. But, oh! it has been handled rudely indeed. Even some of the reformers seem to have forgot that they had any thing to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of this dignity and importance, that I have compared to Germany, and the German government! not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings, and if possible to our feelings; in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium.

My second condition, necessary to justify me in touching the charter, is, Whether the Company's abuse of their trust, with regard to this great object, be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights; first the political, and then the commercial. Their political conduct (for distinctness) I divide again into two heads; the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such; the other internal, namely their conduct to the countries either immediately subject to the Company, or to those who, under the apparent government of native sovereigns, are in a state much lower, and much more miserable, than common subjection.

The attention, Sir, which I wish to preserve to method, will not be considered as unnecessary or affected. Nothing else can help me to selection out of the infinite mass of materials which have passed under my eye; or can keep my mind steady to the great leading points I have in view.

With regard therefore to the abuse of the external federal trust, I engage myself to you to make good these three positions:—First, I say, that from mount Imaus, (or whatever else you call that large range of mountains that walls the northern frontier of India) where it touches us in the latitude of twenty-nine, to Cape Comorin, in the latitude of eight, that there is not a single prince, state, or potentate, great or small, in India, with whom they have come into contact, whom they have not sold. I say sold, though sometimes they have not been able to deliver according to their bargan.—2ndly, I say, that there is not a single treaty they have ever made, which they have not broken.—3dly, I say, that there is not a single prince, or state, who ever put any trust in the Company, who is not utterly ruined; and that none are in any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation.

These assertions are universal: I say in the full sense, universal. They regard the external and political trust only; but I shall produce others fully equivalent in the internal. For the present, I shall content myself with explaining my meaning;

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and if I am called on for proof whilst these Bills are depending (which I believe I shall not) I will put my finger on the appendixes to the reports, or on papers of record in the House, or the committees, which I have distinctly present to my memory, and which I think I can lay before you at half an hour's warning.

The first potentate sold by the Company for money, was the great mogul—the descendant of Tamerlane. This high personage, as high as human veneration can look at, is by every account amiable in his manners, respectable for his piety according to his mode, and accomplished in all the oriental literature. All this, and the title derived under his charter, to all that we hold in India, could not save him from the general sale. Money is coined in his name; in his name justice is administered; he is prayed for in every temple through the countries we possess—but he was sold.

It is impossible, Mr. Speaker, not to pause here for a moment, to reflect on the inconstancy of human greatness, and the stupendous revolutions that have happened in our age of wonders. Could it be believed when I entered into existence, or when you, a younger man, were born, that on this day, in this House, we should be employed in discussing the conduct of those British subjects who had disposed of the power and person of the grand mogul? This is no idle speculation. Awful lessons are taught by it, and by other events of which it is not yet too late to profit.

This is hardly a digression; but I return to the sale of the mogul. Two districts, Corah, and Allahabad, out of his immense grants, were reserved as a royal demesne to the donor of a kingdom, and the rightful sovereign of so many nations. —After withholding the tribute of 260,000*l.* a year, which the Company was, by the charter they had received from this prince, under the most solemn obligation to pay, these districts were sold to his chief minister Sujah ul Dowlah; and, what may appear to some the worst part of the transaction, these two districts were sold for scarcely two years purchase. The descendant of Tamerlane now stands in need almost of the common necessaries of life; and in this situation we do not even allow him, as bounty, the smallest portion of what we owe him in justice.

The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretence of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujah ul Dowlah. He sold the people to utter extirpation, for the sum of four hundred thousand pounds. Faithfully was the bargain performed on our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature, and the spirit of his poetical compositions (by which he supported the name of Hafiz); as for his courage, was invaded with an army of an hundred thousand men, and an English brigade. This man, at the head of inferior forces, was slain valiantly fighting for his country. His head was cut off, and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging an handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and sword; and that land, distinguished above most others by the cheerful face of paternal government and protected labour, the chosen seat of cultivation and plenty, is now almost throughout a dreary desart, covered with rushes and briers, and jungles full of wild beasts.

The British officer who commanded in the delivery of the people thus sold, felt some compunction at his employment. He represented these enormous excesses to the president of Bengal, for which he received a severe reprimand from the civil governor; and I much doubt whether the breach caused by the conflict, between the compassion of the military and the firmness of the civil governor, be closed at this hour.

In Bengal, Seraja Dowlah was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son;—another son of Mir Jaffier, Mobarech ul Dowlah, was sold to his step-mother. The Mahratta empire was sold to Ragoba; and Ragoba was sold and delivered to the Peishwa of the Mahrattas. Both Ragoba and the Peishwa of the Mahrattas were offered to sale to the rajah of Berar. Scindia, the chief of Malva, was offered to sale to the same rajah; and the Subah of the Decan was sold to the great trader Mahomet Ali, nabob of Arcot. To the same nabob of Arcot they sold Hyder Ali and the king-

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dom of Mysore. To Mahomet Ali they twice sold the kingdom of Tanjore. To the same Mahomet Ali they sold at least twelve sovereign princes, called the Polygars. But to keep things even, the territory of Tinnevelly, belonging to their nabob, they would have sold to the Dutch; and, to conclude the account of sales, their great customer, the nabob of Arcot himself, and his lawful succession, has been sold to his second son, Amir ul Omrah, whose character, views, and conduct, are in the accounts upon your table. It remains with you whether they shall finally perfect this last bargain. All these bargains and sales were regularly attended with the waste and havock of the country, always by the buyer, and sometimes by the object of the sale. This was explained to you by the hon. mover, when he stated the mode of paying debts due from the country powers to the Company. An hon. gentleman, who is not now in his place, objected to his jumping near two thousand miles for an example. But the southern example is perfectly applicable to the northern claim, as the northern is to the southern; for, throughout the whole space of these two thousand miles, take your stand where you will, the proceeding is perfectly uniform, and what is done in one part will apply exactly to the other.

My second assertion is, that the Company never has made a treaty which they have not broken. This position is so connected with that of the sales of provinces and kingdoms, with the negociation of universal distraction in every part of India, that a very minute detail may well be spared on this point. It has not yet been contended, by any enemy to the reform, that they have observed any public agreement. When I hear that they have done so in any one instance (which hitherto, I confess, I never heard alleged) I shall speak to the particular treaty. The governor-general has even amused himself and the court of directors in a very singular letter to that board, in which he admits he has not been very delicate with regard to public faith; and he goes so far as to state a regular estimate of the sums which the Company would have lost, or never acquired, if the rigid ideas of public faith entertained by his colleagues had been observed. The learned gentleman over against me (Mr. Dundas) has indeed saved me much trouble. On a former occasion he obtained no small credit, for the clear and forcible manner in which he stated what we have not forgot, and I hope he has not forgot, that universal systematic breach of treaties which had made the British faith proverbial in the East.

It only remains, Sir, for me just to recapitulate some heads.—The treaty with the mogul, by which we stipulated to pay him 260,000*l.* annually, was broken. This treaty they have broken, and not paid him a shilling. They broke their treaty with him, in which they stipulated to pay 400,000*l.* a year to the soubah of Bengal. They agreed with the mogul, for services admitted to have been performed, to pay Nudjif Cawn a pension. They broke this article with the rest, and stopped also this small pension. They broke their treaties with the nizam, and with Hyder Ali. As to the Mahrattas, they had so many cross treaties with the states-general of that nation, and with each of the chiefs, that it was notorious that no one of these agreements could be kept without grossly violating the rest. It was observed, that if the terms of these several treaties had been kept, two British armies would at one and the same time have met in the field to cut each other's throats. The wars which desolate India, originated from a most atrocious violation of public faith on our part. In the midst of profound peace, the Company's troops invaded the Mahratta territories, and surprised the island and fortress of Salsette. The Mahrattas nevertheless yielded to a treaty of peace, by which solid advantages were procured to the Company; but this treaty, like every other treaty, was soon violated by the Company. Again the Company invaded the Mahratta dominions. The disaster that ensued gave occasion to a new treaty. The whole army of the Company was obliged, in effect, to surrender to this injured, betrayed, and insulted people. Justly irritated, however, as they were, the terms which they prescribed were reasonable and moderate; and their treatment of their captive invaders of the most distinguished humanity. But the humanity of the Mahrattas was of no power whatsoever to prevail on the Company to attend to the observance of the terms dictated by their moderation. The war was renewed with greater vigour than ever; and such was their insatiable lust of plunder, that they never would have given ear to any terms of peace, if Hyder Ali had not broke through the Gauts, and rushing like a torrent into the Carnatic, swept away

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every thing in his career. This was in consequence of that confederacy, which by a sort of miracle united the most discordant powers for our destruction, as a nation in which no other could put any trust, and who were the declared enemies of the human species.

It is very remarkable, that the late controversy between the several presidencies, and between them and the court of directors, with relation to these wars and treaties, has not been, which of the parties might be defended for his share in them; but on which of the parties the guilt of all this load of perfidy should be fixed. But I am content to admit all these proceedings to be perfectly regular, to be full of honour and good faith; and wish to fix your attention solely to that single transaction which the advocates of this system select for so transcendent a merit as to cancel the guilt of all the rest of their proceedings; I mean the late treaties with the Mahrattas.

I make no observation on the total cession of territory, by which they surrendered all they had obtained by their unhappy successes in the war, and almost all they had obtained under the treaty of Poorunder. The restitution was proper, if it had been voluntary and seasonable. I attach on the spirit of the treaty, the dispositions it shewed, the provisions it made for a general peace, and the faith kept with allies and confederates; in order that the House may form a judgment, from this chosen piece, of the use which has been made (and is likely to be made, if things continue in the same hand) of the trust of the federal powers of this country.

It was the wish of almost every Englishman, that the Mahratta peace might lead to a general one; because the Mahratta war was only a part of a general confederacy formed against us on account of the universal abhorrence of our conduct which prevailed in every state and almost in every house in India. Mr. Hastings was obliged to pretend some sort of acquiescence in this general and rational desire. He therefore consented, in order to satisfy the point of honour of the Mahrattas, that an article should be inserted to admit Hyder Ali to accede to the pacification. But observe, Sir, the spirit of this man (which if it were not made manifest by a thousand things, and particularly by his proceedings with respect to lord Macartney) would be sufficiently manifest by this—What sort of article think you does he require this essential head of a solemn treaty of general pacification to be? In his instruction to Mr. Anderson, he desires him to admit 'a vague article' in favour of Hyder. Evasion and fraud were the declared basis of the treaty. These 'vague' articles, intended for a more vague performance, are the things which have damned our reputation in India.

Hardly was this vague article inserted, than, without waiting for any act on the part of Hyder, Mr. Hastings enters into a negociation with the Mahratta chief, Scindia, for a partition of the territories of the prince, who was one of the objects to be secured by the treaty. He was to be parcelled out in three parts—one to Scindia; one to the peishwa of the Mahrattas; and the third to the East India Company, or to (the old dealer and chapman) Mahomet Ali.

During the formation of this project, Hyder dies; and before his son could take any one step, either to conform to the tenour of the article, or to contravene it, the treaty of partition is renewed on the old footing, and an instruction is sent to Mr. Anderson to conclude it in form.

A circumstance intervened, during the pendency of this negociation, to set off the good faith of the company with an additional brilliancy, and to make it sparkle and glow with a variety of splendid faces. General Matthews had reduced that most valuable part of Hyder's dominions called the country of Biddenore. When the news reached Mr. Hastings, he instructed Mr. Anderson to contend for an alteration in the treaty of partition, and to take the Biddenore country out of the common stock which was to be divided, and to keep it for the Company.

The first ground for this variation was its being a separate conquest made before the treaty had actually taken place. Here was a new proof given of the fairness, equity, and moderation of the Company. But the second of Mr. Hastings' reasons for retaining the Biddenore as a separate portion, and his conduct on that second ground, is still more remarkable. He asserted that that country could not be put into the partition stock, because general Matthews had received it on the terms of some convention, which might be incompatible with the partition proposed. This was a reason in itself both honourable and solid: and it shewed a regard to faith somewhere, and with some persons. But in order to demonstrate his

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utter contempt of the plighted faith which was alleged on one part as a reason for departing from it on another, and to prove his impetuous desire for sowing a new war, even in the prepared soil of a general pacification, he directs Mr. Anderson, if he should find strong difficulties impeding the partition, on the score of the subtraction of Biddenore, wholly to abandon that claim, and to conclude the treaty on the original terms. General Matthews's convention was just brought forward sufficiently to demonstrate to the Mahrattas the slippery hold which they had on their new confederate: on the other hand, that convention being instantly abandoned, the people of India were taught, that no terms on which they can surrender to the Company are to be regarded when farther conquests are in view.

Next, Sir, let me bring before you the pious care that was taken of our allies under that treaty which is the subject of the Company's applauses. These allies were Ragonaut Row, for whom we had engaged to find a throne: the Guickwar, (one of the Guzerat princes) who was to be emancipated from the Mahratta authority, and to grow great by several accessions of dominion: and lastly, the rana of Gohud, with whom we had entered into a treaty of partition for eleven-sixteenths of our joint conquests. Some of these inestimable securities, called vague articles, were inserted in favour of them all.

As to the first, the unhappy abdicated peishwa, and pretender to the Mahratta throne, Ragonaut Row, was delivered up to his people, with an article for safety, and some provision. This man, knowing how little vague the hatred of his countrymen was towards him, and well apprized of what black crimes he stood accused (among which our invasion of his country would not appear the least) took a mortal alarm at the security we had provided for him. He was thunderstruck at the article in his favour, by which he was surrendered to his enemies. He never had the least notice of the treaty; and it was apprehended that he would fly to the protection of Hyder Ali, or some other, disposed or able to protect him. He was therefore not left without comfort; for Mr. Anderson did him the favour to send a special messenger, desiring him to be of good cheer, and to fear nothing. And his old enemy, Scindia, at our request, sent him a message equally well calculated to quiet his apprehensions.

By the same treaty the Guickwar was to come again, with no better security, under the dominion of the Mahratta state. As to the rana of Gohud, a long negociation depended for giving him up. At first this was refused by Mr. Hastings with great indignation; at another stage it was admitted as proper, because he had shewn himself a most perfidious person. But at length a method of reconciling these extremes was found out, by contriving one of the usual articles in his favour. What I believe will appear beyond all belief, Mr. Anderson exchanged the final ratifications of that treaty, by which the rana was nominally secured in his possessions, in the camp of the Mahratta chief, Scindia, whilst he was (really, and not nominally) battering the castle of Gualior, which we had given, agreeably to treaty, to this deluded ally. Scindia had already reduced the town; and was at the very time, by various detachments, reducing, one after another, the fortresses of our protected ally, as well as in the act of chastising all the rajahs who had assisted colonel Carnac in his invasion. I have seen in a letter from Calcutta, that the rana of Gohud's agent would have represented these hostilities (which went hand in hand with the protecting treaty) to Mr. Hasting's; but he was not admitted to his presence.

In this manner the Company has acted with their allies in the Mahratta war. But they did not rest here: the Mahrattas were fearful lest the persons delivered to them by that treaty should attempt to escape into the British territories, and thus might elude the punishment intended for them, and by reclaiming the treaty, might stir up new disturbances. To prevent this, they desired an article to be inserted in the supplemental treaty, to which they had the ready consent of Mr. Hastings, and the rest of the Company's representatives in Bengal. It was this, "that the English and Mahratta governments mutually agree not to afford refuge to any chiefs, merchants, or other persons, flying for protection to the territories of the other." This was readily assented to, and assented to without any exception whatever, in favour of our surrendered allies. On their part a reciprocity was stipulated which was not unnatural for a government like the Company's to ask: a government conscious that many subjects had been, and would in future be, driven to fly from its jurisdiction.

To complete the system of pacific inten-



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tion and public faith, which predominate in these treaties, Mr. Hastings fairly resolved to put all peace, except on the terms of absolute conquest, wholly out of his own power. For, by an article in this second treaty with Scindia, he binds the Company not to make any peace with Tippoo Saib, without the consent of the peishwa of the Mahrattas; and binds Scindia to him by a reciprocal engagement. The treaty between France and England obliges us mutually to withdraw our forces, if our allies in India do not accede to the peace within four months; Mr. Hastings's treaty obliges us to continue the war as long as the peishwa thinks fit. We are now in that happy situation, that the breach of the treaty with France, or the violation of that with the Mahrattas, is inevitable; and we have only to take our choice.

My third assertion, relative to the abuse made of the right of war and peace is, that there are none who have ever confided in us who have not been utterly ruined. The examples I have given of Ragonaut Row, of Guickwar, of the rana of Gohud, are recent. There is proof more than enough in the condition of the mogul; in the slavery and indigence of the nabob of Oude; the exile of the rajah of Benares; the beggary of the nabob of Bengal; the undone and captive condition of the rajah and kingdom of Tanjore; the destruction of the polygars; and lastly, in the destruction of the nabob of Arcot himself, who, when his dominions were invaded, was found entirely destitute of troops, provisions, stores, and, as he asserts, of money, being a million in debt to the Company, and four millions to others: the many millions which he had extorted from so many extirpated princes and their desolated countries having, as he has frequently hinted, been expended for the ground-rent of his mansion-house in an alley in the suburbs of Madras. Compare the condition of all these princes with the power and authority of the Mahratta states; with the independence and dignity of the soubah of the Decan; and the mighty strength, the resources, and the manly struggle of Hyder Ali; and then the House will discover the effects on every power in India, of an easy confidence or of a rooted distrust in the faith of the Company.

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound, to declare against those chartered rights which produce so many wrongs. I should deem myself the wickedest of men, if any vote of mine could contribute to the continuance of so great an evil.

Now, Sir, according to the plan I proposed, I shall take notice of the Company's internal government, as it is exercised first on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, Sir, before I enter into the spirit of their interior government, permit me to observe to you, upon a few of the many lines of difference which are to be found between the vices of the Company's government, and those of the conquerors who preceded us in India; that we may be enabled a little the better to see our way in an attempt to the necessary reformation.

The several irruptions of Arabs, Tartars, and Persians, into India were, for the greater part, ferocious, bloody, and wasteful in the extreme: our entrance into the dominion of that country, was, as generally, with small comparative effusion of blood; being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity, which the several country powers bear towards each other, rather than by open force. But the difference in favour of the first conquerors is this: the Asiatic conquerors very soon abated of their ferocity, because they made the conquered country their own. They rose or fell with the rise or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all, that their lot should not be cast in a bad land. Poverty, sterility, and desolation, are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man, to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power,

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nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated, both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity, but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the grey head of an Englishman. Young men (boys almost) govern there, without society, and without sympathy with the natives. They have no more social habits with the people, than if they still resided in England; nor indeed any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another; wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman is lost for ever to India. With us are no retributory superstitions, by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals,* no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by any thing better than the ouran-outang or the tiger.

There is nothing in the boys we send to India worse than in the boys whom we are whipping at school, or that we see trailing a pike, or bending over a desk at home. But as English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are full grown in fortune long before they are ripe in principle, neither nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India all the vices operate by which sudden fortune is acquired; in England are often displayed by the same persons, the virtues which dispense hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation, at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppressions and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely an house in the kingdom that does not feel some concern and interest that makes all reform of our eastern government appear officious and disgusting; and on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness, or to resent injury. If you succeed, you save those who cannot so much as give you thanks. All these things shew the difficulty of the work we have on hand: but they shew its necessity too. Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous; and the work of men, sanguine, warm, and

* The paltry foundation at Calcutta is scarcely worth naming as an exception.

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even impassioned in the cause. But it is an arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

I shall certainly endeavour to modulate myself to this temper; though I am sensible that a cold style of describing actions which appear to me in a very affecting light, is equally contrary to the justice due to the people, and to all genuine human feelings about them. I ask pardon of truth and nature for this compliance: but I shall be very sparing of epithets either to persons or things. It has been said (and, with regard to one of them, with truth) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny, and that they corrupt the minds of their readers, by not expressing the detestation and horror that naturally belong to horrible and detestable proceedings. But we are in general, Sir, so little acquainted with Indian details; the instruments of oppression under which the people suffer are so hard to be understood; and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come down stairs from the committee-room, with impressions on our minds, which to us were the inevitable results of our discoveries; yet if we should venture to express ourselves, in the proper language of our sentiments, to other gentlemen, not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behaviour. All these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.

Upon the plan which I laid down, and to which I beg leave to return, I was considering the conduct of the Company to those nations which are indirectly subject to their authority. The most considerable of the dependent princes is the nabob of Oude. My right hon. friend (Mr. Fox) to whom we owe the remedial Bills on your table, has already pointed out to you, in one of the reports, the condition of that prince, and as it stood in the time he alluded to. I shall only add a few circumstances that may tend to awaken some sense of the manner in which the condition of the people is affected by that of the prince, and involved in it; and to shew you, that when we talk of the sufferings of princes, we do not lament the oppression of individuals; and that in these cases the high and the low suffer together.

In the year 1779, the nabob of Oude represented, through the British resident at his court, that the number of Company's troops stationed in his dominions was a main cause of his distress; and that all those which he was not bound by treaty to maintain should be withdrawn, as they had greatly diminished his revenue, and impoverished his country. I will read you, if you please, a few extracts from these representations.

He states, "that the country and cultivation are abandoned; and this year in particular, from the excessive drought of the season, deductions of many lacks having been allowed to the farmers, who are still left unsatisfied;" and then he proceeds with a long detail of his own distress, and that of his family, and all his dependents; and adds, "that the new-raised brigade is not only quite useless to my government, but is moreover the cause of much loss, both in revenues and customs. The detached body of troops under European officers bring nothing but confusion to the affairs of my government, and are entirely their own masters." Mr. Middleton, Mr. Hastings's confidential resident, vouches for the truth of this representation, in its fullest extent. "I am concerned to confess, that there is too good ground for this plea. The misfortune has been general throughout the whole of the vizier's [the nabob of Oude] dominions, obvious to every body; and so fatal have been its consequences, that no person of either credit or character, would enter into engagements with government for farming the country." He then proceeds to give strong instances of the general calamity, and its effects.

It was now to be seen what steps the governor-general and council took for the relief of this distressed country, long labouring under the vexations of men, and now stricken by the hand of God. The case of a general famine is known to relax the severity even of the most rigorous government: Mr. Hastings does not deny,

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or shew the least doubt of the fact. The representation is humble, and almost abject. On this representation from a great prince of the distress of his subjects, Mr. Hastings falls into a violent passion; such (as it seems) would be unjustifiable in any one who speaks of any part of his conduct. He declares, "that the demands, the tone in which they were asserted, and the season in which they were made, are all equally alarming, and appear to him to require an adequate degree of firmness in this board, in opposition to them." He proceeds to deal out very unreserved language, on the person and character of the nabob and his ministers. He declares, that in a division between him and the "nabob, the strongest must decide." With regard to the urgent and instant necessity, from the failure of the crops, he says, "that perhaps expedients may be found for affording a gradual relief from the burthen of which he so heavily complains, and it shall be my endeavour to seek them out:" and lest he should be suspected of too much haste to alleviate sufferings, and to remove violence, he says, "that these must be gradually applied, and their complete effect may be distant; and this I conceive is all he can claim of right."

This complete effect of his lenity is distant indeed. Rejecting this demand (as he calls the nabob's abject supplication), he attributes it, as he usually does all things of the kind, to the division in their government; and says, "this is a powerful motive with me (however inclined I might be, upon any other occasion, to yield to some part of his demand) to give them an absolute and unconditional refusal upon the present; and even to bring to punishment, if my influence can produce that effect, those incendiaries who have endeavoured to make themselves the instruments of division between us."

Here, Sir, is much heat and passion; but no more consideration of the distress of the country, from a failure of the means of subsistence, and (if possible) the worse evil of an useless and licentious soldiery, than if they were the most contemptible of all trifles. A letter is written in consequence, in such a style of lofty despotism, as I believe has hitherto been unexampled and unheard-of in the records of the East. The troops were continued; the gradual relief, whose effect was to be so distant, has never been substantially and beneficially applied—and the country is ruined.

Mr. Hastings, two years after, when it was too late, saw the absolute necessity of a removal of the intolerable grievance of this licentious soldiery, which, under pretence of defending it, held the country under military execution. A new treaty and arrangement, according to the pleasure of Mr. Hastings, took place; and this new treaty was broken in the old manner, in every essential article. The soldiery were again sent, and again set loose. The effect of all his manœuvres, from which it seems he was sanguine enough to entertain hopes, upon the state of the country, he himself informs us, "the event has proved the reverse of his hopes, and accumulation of distress, debasement, and dissatisfaction to the nabob, and disappointment and disgrace to me.—Every measure [which he had himself proposed] has been so conducted as to give him cause of displeasure; there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed. A number of the districts without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries, with independent authority; all the other zemindars suffered to rise up in rebellion, and to insult the authority of the sircar, without any attempt made to suppress them; and the Company's debt, instead of being discharged by the assignments and extraordinary sources of money provided for that purpose, is likely to exceed even the amount at which it stood at the time in which the arrangement with his excellency was concluded." The House will smile at the resource on which the directors take credit as such a certainty in their curious account.

This is Mr. Hastings's own narrative of the effects of his own settlement. This is the state of the country which we have been told is in perfect peace and order; and, what is curious, he informs us, that every part of this was foretold to him in the order and manner in which it happened, at the very time he made his arrangement of men and measures.

The invariable course of the Company's policy is this: either they set up some prince too odious to maintain himself without the necessity of their assistance; or they soon render him odious, by making him the instrument of their government. In that case troops are bountifully sent to

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him to maintain his authority. That he should have no want of assistance, a civil gentleman, called a resident, is kept at his court, who, under pretence of providing duly for the pay of these troops, gets assignments on the revenue into his hands. Under his provident management, debts soon accumulate; new assignments are made for these debts; until, step by step, the whole revenue, and with it the whole power of the country, is delivered into his hands. The military do not behold without a virtuous emulation the moderate gains of the civil department. They feel that, in a country driven to habitual rebellion by the civil government, the military is necessary; and they will not permit their services to go unrewarded. Tracts of country are delivered over to their discretion. Then it is found proper to convert their commanding officers into farmers of revenue. Thus, between the well-paid civil, and well-rewarded military establishment, the situation of the natives may be easily conjectured. The authority of the regular and lawful government is every where and in every point extinguished. Disorders and violences arise; they are repressed by other disorders and other violences. Wherever the collectors of the revenue, and the farming colonels and majors move, ruin is about them, rebellion before and behind them. The people in crowds fly out of the country; and the frontier is guarded by lines of troops, not to exclude an enemy, but to prevent the escape of the inhabitants.

By these means, in the course of not more than four or five years, this once opulent and flourishing country, which, by the accounts given in the Bengal consultations, yielded more than three crore of sicca rupees, that is, above three millions sterling annually, is reduced, as far as I can discover, in a matter purposely involved in the utmost perplexity, to less than 1,300,000*l.*, and that exacted by every mode of rigour that can be devised. To complete the business, most of the wretched remnants of this revenue are mortgaged, and delivered into the hands of the usurers at Benares (for there alone are to be found some lingering remains of the ancient wealth of these regions) at an interest of near thirty per cent. per annum.

The revenues in this manner failing, they seized upon the estates of every person of eminence in the country, and under the name of resumption, confiscated their property. I wish, Sir, to be understood universally and literally, when I assert, that there is not left one man of property and substance for his rank, in the whole of these provinces, in provinces which are nearly the extent of England and Wales taken together. Not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, not one farmer of revenue.

One country for a while remained, which stood as an island in the midst of the grand waste of the Company's dominion. My right honourable friend, in his admirable speech on moving the Bill, just touched the situation, the offences, and the punishment of a native prince, called Fizulla Khân. This man, by policy and force, had protected himself from the general extirpation of the Rohilla chiefs. He was secured (if that were any security) by a treaty. It was stated to you, as it was stated by the enemies of that unfortunate man—"that the whole of his country is what the whole country of the Rohillas was, cultivated like a garden, without one neglected spot in it."—Another accuser says, "Fizullah Khân, though a bad soldier [that is the true source of his misfortune], has approved himself a good aumil; having, it is supposed, in the course of a few years, at least doubled the population and revenue of his country."—In another part of the correspondence, he is charged with making his country an asylum for the oppressed peasants, who fly from the territories of Oude. The improvement of his revenue, arising from this single crime, (which Mr. Hastings considers as tantamount to treason) is stated at 150,000*l.* a year.

Dr. Swift somewhere says, that he who could make two blades of grass grow where but one grew before, was a greater benefactor to the human race than all the politicians that ever existed. This prince, who would have been deified by antiquity, who would have been ranked with Osiris, and Bacchus, and Ceres, and the divinities most propitious to men, was, for those very merits, by name attacked by the Company's government, as a cheat, a robber, a traitor. In the same breath in which he was accused as a rebel, he was ordered at once to furnish 5,000 horse. On delay, or (according to the technical phrase, when any remonstrance is made to them) 'on evasion,' he was declared a violator of treaties, and every thing he had

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was to be taken from him.—Not one word, however, of horse in this treaty.

The territory of this Fizulla Khân, Mr. Speaker, is less than the county of Norfolk. It is an inland country, full 700 miles from any sea-port, and not distinguished for any one considerable branch of manufacture whatsoever. From this territory several very considerable sums had at several times been paid to the British resident. The demand of cavalry, without a shadow or decent pretext of right, amounted to 300,000*l.* a year more, at the lowest computation; and it is stated, by the last person sent to negotiate, as a demand of little use, if it could be complied with; but that the compliance was impossible, as it amounted to more than his territories could supply, if there had been no other demand upon him—300,000*l.* a year from an inland country not so large as Norfolk!

The thing most extraordinary was to hear the culprit defend himself from the imputation of his virtues, as if they had been the blackest offences. He extenuated the superior cultivation of his country; he denied its population; he endeavoured to prove that he had often sent back the poor peasant that sought shelter with him.—I can make no observation on this.

After a variety of extortions and vexations, too fatiguing to you, too disgusting to me, to go through with, they found "that they ought to be in a better state to warrant forcible means;" they therefore contented themselves with a gross sum of 150,000*l.* for their present demand. They offered him indeed an indemnity from their exactions in future for 300,000*l.* more. But he refused to buy their securities: pleading (probably with truth) his poverty; but if the plea were not founded, in my opinion very wisely; not chusing to deal any more in that dangerous commodity of the Company's faith; and thinking it better to oppose distress and unarmed obstinacy to uncoloured exaction, than to subject himself to be considered as a cheat, if he should make a treaty in the least beneficial to himself.

Thus they executed an exemplary punishment on Fizulla Khân for the culture of his country. But, conscious that the prevention of evils is the great object of all good regulation, they deprived him of the means of increasing that criminal cultivation in future, by exhausting his coffers; and, that the population of his country should no more be a standing reproach and libel on the Company's government, they bound him, by a positive engagement, not to afford any shelter whatsoever to the farmers and labourers who should seek refuge in his territories, from the exactions of the British residents in Oude. When they had done all this effectually, they gave him a full and complete acquittance from all charges of rebellion, or of any intention to rebel, or of his having originally had any interest in, or any means of rebellion.

These intended rebellions are one of the Company's standing resources. When money has been thought to be heaped up any where, its owners are universally accused of rebellion, until they are acquitted of their money and their treasons at once. The money once taken, all accusation, trial, and punishment ends. It is so settled a resource, that I rather wonder how it comes to be omitted in the director's account; but I take it for granted this omission will be supplied in their next edition.

The Company stretched this resource to the full extent, when they accused two old women, in the remotest corner of India (who could have no possible view or motive to raise disturbances) of being engaged in rebellion, with an intent to drive out the English nation, in whose protection, purchased by money and secured by treaty, rested the sole hope of their existence. But the Company wanted money, and the old women must be guilty of a plot. They were accused of rebellion, and they were convicted of wealth. Twice had great sums been extorted from them, and as often had the British faith guaranteed the remainder. A body of British troops, with one of the military farmers-general at their head, was sent to seize upon the castle in which these helpless women resided. Their chief eunuchs, who were their agents, their guardians, protectors, persons of high rank according to the Eastern manners, and of great trust, were thrown into dungeons, to make them discover their hidden treasures; and there they lie at present. The lands assigned for the maintenance of the women were seized and confiscated. Their jewels and effects were taken, and set up to a pretended auction in an obscure place, and bought at such a price as the gentlemen thought proper to give. No account has ever been transmitted of



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the articles or produce of this sale. What money was obtained is unknown, or what terms were stipulated for the maintenance of these despoiled and forlorn creatures; for by some particulars it appears as if an engagement of the kind was made.

Let me here remark, once for all, that though the Act of 1773 requires that an account of all proceedings should be diligently transmitted, that this, like all the other injunctions of the law, is totally despised; and that half at least of the most important papers are intentionally withheld.

I wish you, Sir, to advert particularly, in this transaction, to the quality and the numbers of the persons spoiled, and the instrument by whom that spoil was made. These ancient matrons called the begums, or princesses, were of the first birth and quality in India; the one mother, the other wife, of the late nabob of Oude, Sujah Dowlah, a prince possessed of extensive and flourishing dominions, and the second man in the Mogul empire. This prince (suspicious, and not unjustly suspicious, of his son and successor) at his death committed his treasures and his family to the British faith. That family and household consisted of 2,000 women; to which were added two other seraglios of near kindred, and said to be extremely numerous, and (as I am well informed) of about fourscore of the nabob's children, with all the eunuchs, the ancient servants, and a multitude of the dependents of his splendid court. These were all to be provided, for present maintenance and future establishment, from the lands assigned as dower, and from the treasures which he left to these matrons, in trust for the whole family.

So far as to the objects of the spoil. The instrument chosen by Mr. Hastings to despoil the relict of Sujah Dowlah was her own son, the reigning nabob of Oude. It was the pious hand of a son that was selected to tear from his mother and grandmother the provision of their age, the maintenance of his brethren, and of all the ancient houshold of his father. [Here a laugh from some young members]—The laugh is seasonable, and the occasion decent and proper.

By the last advices, something of the sum extorted remained unpaid. The women in despair refused to deliver more, unless their lands are restored, and their ministers released from prison: but Mr. Hastings and his council, steady to their point, and consistent to the last in their conduct, write to the resident to stimulate the son to accomplish the filial acts he had brought so near to their perfection. "We desire," say they, in their letter to the resident (written so late as March last) "that you will inform us if any, and what means, have been taken for recovering the balance due from the begum [princess] at Fizabad; and that, if necessary, you recommend it to the vizier to enforce the most effectual means for that purpose."

What their effectual means of enforcing demands on women of high rank and condition are, I shall shew you, Sir, in a few minutes; when I represent to you another of these plots and rebellions, which always, in India, though so rarely any where else, are the offspring of an easy condition, and hoarded riches.

Benares is the capital city of the Indian religion. It is regarded as holy by a particular and distinguished sanctity; and the Gentoos in general think themselves as much obliged to visit it once in their lives as the Mahometans to perform their pilgrimage to Mecca. By this means that city grew great in commerce and opulence; and so effectually was it secured by the pious veneration of that people, that in all wars and in all violences of power, there was so sure an asylum, both for poverty and wealth (as it were under a divine protection) that the wisest laws and best assured free constitution could not better provide for the relief of the one, or the safety of the other; and this tranquillity influenced to the greatest degree the prosperity of all the country, and the territory of which it was the capital. The interest of money there was not more than half the usual rate in which it stood in all other places. The reports have fully informed you of the means and of the terms in which this city and the territory called Gazipour, of which it was the head, came under the sovereignty of the East India Company.

If ever there was a subordinate dominion pleasantly circumstanced to the superior power, it was this; a large rent or tribute, to the amount of 260,000*l.* a year was paid in monthly instalments with the punctuality of a dividend at the bank. If ever there was a prince who could not have an interest in disturbances, it was its sovereign, the rajah Cheyt Sing. He was in possession of the capital of his religion, and a willing revenue was paid by

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the devout people who resorted to him from all parts. His sovereignty and his independence, except his tribute, was secured by every tie. His territory was not much less than half of Ireland, and displayed in all parts a degree of cultivation, ease, and plenty, under his frugal and paternal management, which left him nothing to desire, either for honour or satisfaction.

This was the light in which this country appeared to almost every eye. But Mr. Hastings beheld it askance. Mr. Hastings tells us that it was reported of this Cheit Sing, that his father left him a million sterling, and that he made annual accessions to the hoard. Nothing could be so obnoxious to indigent power. So much wealth could not be innocent. The House is fully acquainted with the unfounded and unjust requisitions which were made upon this prince. The question has been most ably and conclusively cleared up in one of the reports of the select committee, and in answer of the court of directors to an extraordinary publication against them by their servant, Mr. Hastings. But I mean to pass by these exactions, as if they were perfectly just and regular; and, having admitted them, I take what I shall now trouble you with, only as it serves to shew the spirit of the Company's government, the mode in which it is carried on, and the maxims on which it proceeds.

Mr. Hastings, from whom I take the doctrine, endeavours to prove that Cheit Sing was no sovereign prince; but a mere zemindar or common subject, holding land by rent. If this be granted to him, it is next to be seen under what terms he is of opinion such a landholder, that is a British subject, holds his life and property under the Company's government. It is proper to understand well the doctrines of the person whose administration has lately received such distinguished approbation from the Company. His doctrine is—"that the Company, or the person delegated by it, holds an absolute authority over such zemindars;—that he [such a subject] owes an implicit and unreserved obedience to its authority, at the forfeiture even of his life and property, at the discretion of those who held or fully represented the sovereign authority; and that these rights are fully delegated to him Mr. Hastings."

Such is a British governor's idea of the condition of a great zemindar holding under a British authority: and this kind of authority he supposes fully delegated to him; though no such delegation appears in any commission, instruction, or act of parliament. At his discretion he may demand, of the substance of any zemindar over and above his rent or tribute, even what he pleases, with a sovereign authority; and if he does not yield an implicit unreserved obedience to all his commands, he forfeits his lands, his life, and his property, at Mr. Hastings's discretion. But, extravagant, and even frantic as these positions appear, they are less so than what I shall now read to you; for he asserts, that if any one should urge an exemption from more than a stated payment, or should consider the deeds, which passed between him and the board, "as bearing the quality and force of a treaty between equal states," he says, "that such an opinion is itself criminal to the state of which he is a subject; and that he was himself amenable to its justice, if he gave countenance to such a belief." Here is a new species of crime invented, that of countenancing a belief—but a belief of what? A belief of that which the court of directors, Hastings's masters, and a committee of this House, have decided as this prince's indisputable right.

But supposing the rajah of Benares to be a mere subject, and that subject a criminal of the highest form; let us see what course was taken by an upright English magistrate. Did he cite this culprit before his tribunal? Did he make a charge? Did he produce witnesses? These are not forms; they are forms of substantial and eternal justice. No, not a word of all this, Mr. Hastings concludes him, in his own mind, to be guilty; he makes this conclusion on reports, on hearsays, on appearances, on rumours, on conjectures, on presumptions; and even these never once hinted to the party, nor publicly to any human being, till the whole business was done.

But the governor tells you his motive for this extraordinary proceeding, so contrary to every mode of justice towards either a prince or a subject, fairly and without disguise, and he puts into your hands the key of his whole conduct:—"I will suppose, for a moment, that I have acted with unwarrantable rigour towards Cheit Sing, and even with injustice.—Let my motive be consulted. I left Calcutta, impressed with a belief that extraordinary means were necessary, and those exerted with a steady hand, to preserve the Company's interests from sinking under the



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accumulated weight which oppressed them. I saw a political necessity for curbing the overgrown power of a great member of their dominion, and for making it contribute to the relief of their pressing exigencies." This is plain speaking; after this, it is no wonder that the rajah's wealth and his offence, the necessities of the judge, and the opulence of the delinquent, are never separated, through the whole of Mr. Hastings's apology. "The justice and policy of exacting a large pecuniary mulct." The resolution "to draw from his guilt the means of relief to the Company's distresses." His determination "to make him pay largely for his pardon, or to execute a severe vengeance for past delinquency." That "as his wealth was great, and the Company's exigencies pressing, he thought it a measure of justice and policy to exact from him a large pecuniary mulct for their relief."—"The sum" (says Mr. Wheler, bearing evidence, at his desire, to his intentions) "to which the governor declared his resolution to extend his fine, was 40 or 50 lacks, that is 4 or 500,000*l.*; and that if he refused, he was to be removed from his zemindary entirely; or by taking possession of his forts, to obtain out of the treasure deposited in them, the above sum for the Company."

Crimes so convenient, crimes so politic, crimes so necessary, crimes so alleviating of distress, can never be wanting to those who use no process, and who produce no proofs.

But there is another serious part (what is not so?) in this affair. Let us suppose that the power for which Mr. Hastings contends, a power which no sovereign ever did, or ever can vest in any of his subjects, namely, his own sovereign authority, to be conveyed by the act of parliament to any man or body of men whatsoever; it certainly was never given to Mr. Hastings. The powers given by the Act of 1773, were formal and official; they were given not to the governor-general, but to the major vote of the board, as a board, on discussion amongst themselves, in their public character and capacity; and their acts in that character and capacity were to be ascertained by records and minutes of council. The despotic acts exercised by Mr. Hastings, were done merely in his private character; and, if they had been moderate and just, would still be the acts of an usurped authority, and without any one of the legal modes of proceeding which could give him competence for the most trivial exertion of power. There was no proposition or deliberation whatsoever in council, no minute on record, by circulation or otherwise, to authorize his proceedings. No delegation of power to impose a fine, or to take any step to deprive the rajah of Benares of his government, his property, or his liberty. The minutes of consultation assign to his journey a totally different object, duty, and destination. Mr. Wheler, at his desire, tells us long after, that he had a confidential conversation with him on various subjects, of which this was the principal, in which Mr. Hastings notified to him his secret intentions: "and that he bespoke his support of the measures which he intended to pursue towards him (the rajah.)" This confidential discourse, and bespeaking of support, could give him no power, in opposition to an express act of parliament, and the whole tenour of the orders of the court of directors.

In what manner the powers thus usurped were employed, is known to the whole world. All the House knows, that the design on the rajah proved as unfruitful as it was violent. The unhappy prince was expelled, and his more unhappy country was enslaved and ruined; but not a rupee was acquired. Instead of treasure to recruit the Company's finances, wasted by their wanton wars and corrupt jobs, they were plunged into a new war which shook their power in India to its foundation; and, to use the governor's own happy simile, might have dissolved it like a magic structure, if the talisman had been broken.

But the success is no part of my consideration, who should think just the same of this business, if the spoil of one rajah had been fully acquired, and faithfully applied to the destruction of twenty other rajahs. Not only the arrest of the rajah in his palace was unnecessary and unwarrantable, and calculated to stir up any manly blood which remained in his subjects; but the despotic style, and the extreme insolence of language and demeanour, used to a person of great condition among the politest people in the world, was intolerable. Nothing aggravates tyranny so much as contumely. 'Quicquid superbia in contumeliis' was charged by a great man of antiquity, as a principal head of offence against the governor general of that day. The unhappy people were still more insulted. A relation, but an enemy to the family,

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a notorious robber and villain, called Ussaun Sing, kept as a hawk in a mew, to fly upon this nation, was set up to govern there, instead of a prince honoured and beloved. But when the business of insult was accomplished, the revenue was too serious a concern to be entrusted to such hands. Another was set up in his place, as guardian to an infant.

But here, Sir, mark the effect of all these extraordinary means, of all this policy and justice. The revenues which had been hitherto paid with such astonishing punctuality, fell into arrear. The new prince guardian was deposed without ceremony; and with as little, cast into prison. The government of that once happy country has been in the utmost confusion ever since such good order was taken about it. But to complete the contumely offered to this undone people, and to make them feel their servitude in all its degradation, and all its bitterness, the government of their sacred city, the government of that Benares which had been so respected by Persian and Tartar conquerors, though of the Mussulman persuasion, that even in the plenitude of their pride, power, and bigotry, no magistrate of that sect entered the place, was now delivered over by English hands to a Mahometan; and an Ali Ibrahim Khân was introduced, under the Company's authority, with power of life and death, into the sanctuary of the Gentoo religion.

After this, the taking of a slight payment, cheerfully made by pilgrims to a chief of their own rites, was represented as a mighty benefit. It remains only to shew, through the conduct in this business, the spirit of the Company's government, and the respect they pay towards other prejudices not less regarded in the East than those of religion; I mean the reverence paid to the female sex in general, and particularly to women of high rank and condition. During the general confusion of the country of Gazypore, Panna, the mother of Cheit Sing, was lodged with her train in a castle called Bidgé Gur, in which were likewise deposited a large portion of the treasures of her son, or more probably her own. To whomsoever they belonged was indifferent; for though no charge of rebellion was made on this woman (which was rather singular, as it would have cost nothing) they were resolved to secure her with her fortune. The castle was besieged by major Popham.

There was no great reason to apprehend that soldiers ill paid, that soldiers who thought they had been defrauded of their plunder on former services of the same kind, would not have been sufficiently attentive to the spoil they were expressly come for; but the gallantry and generosity of the profession was justly suspected, as being likely to set bounds to military rapaciousness. The Company's first civil magistrate discovered the greatest uneasiness lest the women should have any thing preserved to them. Terms tending to put some restraint on military violence, were granted. He writes a letter to Mr. Popham, referring to some letter written before to the same effect, which I do not remember to have seen; but it shews his anxiety on this subject: hear himself:—"I think every demand she has made on you, except that of safety and respect to her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or any negociation, would soon obtain you the fort upon your own terms. I apprehend she will attempt to defraud the captors of a considerable part of their booty, by being suffered to retire without examination. But this is your concern, not mine. I should be very sorry that your officers and soldiers lost any part of the reward to which they are so well entitled; but you must be the best judge of the promised indulgence to the ranny: what you have engaged for, I will certainly ratify; but as to suffering the ranny to hold the purgunna of Hurlich, or any other zemindary, without being subject to the authority of the zemindar, or any lands whatsoever, or indeed making any condition with her for a provision, I will never consent."

Here your governor stimulates a rapacious and licentious soldiery to the personal search of women, lest these unhappy creatures should avail themselves of the protection of their sex to secure any supply for their necessities; and he positively orders that no stipulation should be made for any provision for them. The widow and mother of a prince, well informed of her miserable situation, and the cause of it, a woman of this rank became a suppliant to the domestic servant of Mr. Hastings (they are his own words that I read;) "imploring his intercession, that she may be relieved from the hardships and dangers of her present situation; and offering to surrender the fort, and the treasure and valuable effects contained in

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it, provided she can be assured of safety and protection to her person and honour, and to that of her family and attendants." He is so good as to consent to this, provided she surrenders every thing of value, with the reserve only of such articles as you shall think necessary to her condition, or as you yourself shall be disposed to indulge her with. But should she refuse to execute the promise she has made, or delay it beyond the term of 24 hours, it is my positive injunction, that you immediately put a stop to any further intercourse or negociation with her, and on no pretext renew it. If she disappoints or trifles with me, after I have subjected my duan to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a wanton affront and indignity which I can never forgive; nor will I grant her any conditions whatever, but leave her exposed to those dangers which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my duan to her." The dreadful secret hinted at by the merciful governor in the latter part of the letter, is well understood in India; where those who suffer corporeal indignities, generally expiate the offences of others with their own blood. However, in spite of all these, the temper of the military did some way or other operate. They came to terms which have never been transmitted. It appears that a fifteenth per cent. of the plunder was reserved to the captives, of which the unhappy mother of the prince of Benares was to have a share. This ancient matron, born to better things [a laugh from certain young gentlemen]—I see no cause for this mirth. A good author of antiquity reckons among the calamities of his time. 'Nobilissimarum fæminarum exilia et fugas.' I say, Sir, this ancient lady was compelled to quit her house with 300 helpless women, and a multitude of children in her train; but the lower sort in the camp it seems could not be restrained. They did not forget the good lessons of the governor-general. They were unwilling "to be defrauded of a considerable part of their booty, by suffering them to pass without examination." —They examined them, Sir, with a vengeance, and the sacred protection of that awful character, Mr. Hastings' maitre d'hotel, could not secure them from insult and plunder. Here is Popham's narrative of the affair:—"The ranny came out of the fort, with her family and dependants, the 10th at night, owing to which, such attention was not paid to her as I wished; and I am exceedingly sorry to inform you, that the licentiousness of our followers was beyond the bounds of control; for, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort, by which means one of the articles of surrender has been much infringed. The distress I have felt upon this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty, which I shall make it my business to enforce.

"The suspicions which the officers had of treachery, and the delay made to our getting possession, had enraged them, as well as the troops, so much, that the treaty was at first regarded as void, but this determination was soon succeeded by pity and compassion for the unfortunate besieged."—After this comes, in his due order, Mr. Hastings; who is full of sorrow and indignation, &c. &c. &c. according to the best and most authentic precedents established upon such occasions.

The women being thus disposed of, that is, completely despoiled, and pathetically lamented, Mr. Hastings at length recollected the great object of his enterprize, which, during his zeal lest the officers and soldiers should lose any part of their reward, he seems to have forgot; that is to say, "to draw from the rajah's guilt, the means of relief to the Company's distresses." This was to be the strong hold of his defence. This compassion to the Company, he knew by experience would sanctify a great deal of rigour towards the natives. But the military had distresses of their own, which they considered first. Neither Mr. Hastings' authority, nor his supplications, could prevail on them to assign a shilling to the claim he made on the part of the Company. They divided the booty amongst themselves. Driven from his claim, he was reduced to petition for the spoil as a loan. But the soldiers were too wise to venture as a loan, what the borrower claimed as a right. In defiance of all authority, they shared among themselves about 200,000*l.* sterling, besides what had been taken from the women.

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In all this there is nothing wonderful. We may rest assured, that when the maxims of any government establish among its resources extraordinary means, and those exerted with a strong hand, that strong hand will provide those extraordinary means for itself. Whether the soldiers had reason or not (perhaps much might be said for them) certain it is, the military discipline of India was ruined from that moment; and the same rage for plunder, the same contempt of subordination, which blasted all the hopes of extraordinary means from your strong hand at Benares, have very lately lost you an army in Mysore. This is visible enough from the accounts in the last Gazette.

There is no doubt but that the country and city of Benares, now brought into the same order, will very soon exhibit, if it does not already display, the same appearances with those countries and cities which are under better subjection. A great master, Mr. Hastings, has himself been at the pains of drawing a picture of one of these countries, I mean the province and city of Farruckabad. There is no reason to question his knowledge of the facts; and his authority (on this point at least) is above all exception, as well for the state of the country as for the cause. In his minute of consultation, Mr. Hastings describes forcibly the consequences which arise from the degradation into which we have sunk the native government. "The total want (says he) of all order, regularity, or authority, in his (the nabob of Farruckabad's) government, and to which, among other obvious causes, it may no doubt be owing that the country of Farruckabad is become almost an entire waste, without cultivation or inhabitants; that the capital, which, but a very short time ago, was distinguished as one of the most populous and opulent commercial cities in Hindostan, at present exhibits nothing but scenes of the most wretched poverty, desolation and misery; and that the nabob himself, though in the possession of a tract of country which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacks, (3 or 400,000*l.*) with no military establishment to maintain, scarcely commands the means of a bare subsistence."

This is a true an unexaggerated picture, not only of Farruckabad, but of at least three fourths of the country which we possess, or rather lay waste, in India. Now, Sir, the House will be desirous to know for what purpose this picture was drawn. It was for a purpose, I will not say laudable, but necessary, that of taking the unfortunate prince and his country out of the hands of a sequestrator sent thither by the nabob of Oude, the mortal enemy of the prince thus ruined, and to protect him by means of a British resident, who might carry his complaints to the superior resident at Oude, or transmit them to Calcutta. But mark how the reformer persisted in his reformation. The effect of the measure was better than was probably expected. The prince began to be at ease; the country began to recover; and the revenue began to be collected. These were alarming circumstances. Mr. Hastings not only recalled the resident, but he entered into a formal stipulation with the nabob of Oude, never to send an English subject again to Farruckabad; and thus the country, described as you have heard by Mr. Hastings, is given up for ever to the very persons to whom he had attributed its ruin, that is, to the sezawals or sequestrators of the nabob of Oude.

Such was the issue of the first attempt to relieve the distresses of the dependent provinces. I shall close what I have to say on the condition of the northern dependencies, with the effect of the last of these attempts. You will recollect, Sir, the account I have not long ago stated to you as given by Mr. Hastings, of the ruined condition of the destroyer of others, the nabob of Oude, and of the recal in consequence of Hannay, Middleton, and Johnson. When the first little sudden gust of passion against these gentlemen was spent, the sentiments of old friendship began to revive. Some healing conferences were held between them and the superior government. Mr. Hannay was permitted to return to Oude; but death prevented the further advantages intended for him, and the future benefits proposed for the country by the provident care of the council general.

One of these gentlemen was accused of the grossest peculations. Two of them by Mr. Hastings himself, of what he considered as very gross offences. The court of directors were informed, by the governor-general and council, that a severe inquiry would be instituted against the two survivors; and they requested that court to suspend its judgment, and to wait



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the event of their proceedings. A mock inquiry has been instituted, by which the parties could not be said to be either acquitted or condemned. By means of the bland and conciliatory dispositions of the charter governors, and proper private explanations, the public inquiry has in effect died away; the supposed peculators and destroyers of Oude repose in all security in the bosoms of their accusers; whilst others succeed to them to be instructed by their example.

It is only to complete the view I proposed of the conduct of the Company, with regard to the dependent provinces, that I shall say any thing at all of the Carnatic, which is the scene, if possible, of greater disorder than the northern provinces. Perhaps it were better to say of this center and metropolis of abuse, whence all the rest in India and in England diverge; from whence they are fed and methodized, what was said of Carthage—'de Carthagine satius est silere quam parum dicere.' This country, in all its denominations, is about 46,000 square miles. It may be affirmed universally, that not one person of substance or property, landed, commercial or monied, excepting two or three bankers, who are necessary deposits and distributors of the general spoil, is left in all that region. In that country the moisture, the bounty of heaven, is given but at a certain season. Before the æra of our influence, the industry of man carefully husbanded that gift of God. The Gentoos preserved, with a provident and religious care, the precious deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country. To maintain these reservoirs, and to keep up an annual advance to the cultivators, for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentoo religion.

This object required a command of money; and there was no pollam, or castle, which in the happy days of the Carnatic was without some hoard of treasure, by which the governors were enabled to combat with the irregularity of the seasons, and to resist or to buy off the invasion of an enemy. In all the cities were multitudes of merchants and bankers, for all occasions of monied assistance; and on the other hand, the native princes were in condition to obtain credit from them. The manufacturer was paid by the return of commodities, or by imported money, and not, as at present, in the taxes that had been originally exacted from his industry. In aid of casual distress, the country was full of choultries, which were inns and hospitals, where the traveller and the poor were relieved. All ranks of people had their place in the public concern, and their share in the common stock and common prosperity; but the chartered rights of men, and the right which it was thought proper to set up in the nabob of Arcot, introduced a new system. It was their policy to consider hoards of money as crimes; to regard moderate rents as frauds on the sovereign; and to view, in the lesser princes, any claim of exemption from more than settled tribute, as an act of rebellion. Accordingly all the castles were, one after the other, plundered and destroyed. The native princes were expelled; the hospitals fell to ruin; the reservoirs of water went to decay; the merchants, bankers, and manufacturers disappeared; and sterility, indigence, and depopulation, overspread the face of these once-flourishing provinces.

The Company was very early sensible of these mischiefs, and of their true cause. They gave precise orders "that the native princes, called polygars, should not be extirpated."—"The rebellion [so they chuse to call it] of the polygars, may (they fear) with too much justice, be attributed to the mal-administration of the nabob's collectors:"—They observe with concern, "that their troops have been put to disagreeable services." They might have used a stronger expression without impropriety. But they make amends in another place. Speaking of the polygars, the directors say, that "it was repugnant to humanity to force them to such dreadful extremities as they underwent:" That some examples of severity might be necessary, "when they fell into the nabob's hands," and not by the destruction of the country: "That they fear his government is none of the mildest; and that there is great oppression in collecting *his* revenues." They state, that the wars in which he has involved the Carnatic, had been a cause of its distresses: "that these distresses have been certainly great; but those by the nabob's oppressions they believe to be greater than all." Pray, Sir, attend to the reason for their opinion that the government of this their instru-

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ment is more calamitous to the country than the ravages of war.—Because, say they, his oppressions are "without intermission.—The others are temporary; by all which oppressions we believe the nabob has great wealth in store." From this store neither he nor they could derive any advantage whatsoever upon the invasion of Hyder Ally in the hour of their greatest calamity and dismay.

It is now proper to compare these declarations with the Company's conduct. The principal reason which they assigned against the extirpation of the polygars was, that the weavers were protected in their fortresses. They might have added, that the Company itself, which stung them to death, had been warmed in the bosom of these unfortunate princes: for, on the taking of Madras by the French, it was in their hospitable pollams, that most of the inhabitants found refuge and protection. But, notwithstanding all these orders, reasons, and declarations, they at length gave an indirect sanction, and permitted the use of a very direct and irresistible force, to measures which they had, over and over again, declared to be false policy, cruel, inhuman, and oppressive. Having, however, forgot all attention to the princes and the people, they remembered that they had some sort of interest in the trade of the country; and it is matter of curiosity to observe the protection which they afforded to this their natural object.

Full of anxious cares on this head, they direct, "that in reducing the polygars they (their servants) were to be cautious, not to deprive the weavers and manufacturers of the protection they often met with in the strong holds of the polygar countries;"—and they write to their instrument, the nabob of Arcot, concerning these poor people in a most pathetic strain. "We entreat your excellency (say they) in particular, to make the manufacturers the object of your tenderest care; particularly when you root out the polygars, you do not deprive the weavers of the protection they enjoyed under them." When they root out the protectors in favour of the oppressor, they shew themselves religiously cautious of the rights of the protected. When they extirpate the shepherd and the shepherd's dog, they piously recommend the helpless flock to the mercy, and even to the tenderest care, of the wolf. This is the uniform strain of their policy, strictly forbidding, and at the same time strenuously encouraging and enforcing every measure that can ruin and desolate the country committed to their charge. After giving the Company's idea of the government of this their instrument, it may appear singular, but it is perfectly consistent with their system, that, besides wasting for him, at two different times, the most exquisite spot upon the earth, Tanjore, and all the adjacent countries, they have even voluntarily put their own territory, that is, a large and fine country adjacent to Madras, called their jaghire, wholly out of their protection; and have continued to farm their subjects, and their duties towards these subjects, to that very nabob, whom they themselves constantly represent as an habitual oppressor, and a relentless tyrant. This they have done without any pretence of ignorance of the objects of oppression for which this prince has thought fit to become their renter; for he has again and again told them, that it is for the sole purpose of exercising authority he holds the jaghire lands; and he affirms (and I believe with truth) that he pays more for that territory than the revenues yield. This deficiency he must make up from his other territories; and thus, in order to furnish the means of oppressing one part of the Carnatic, he is led to oppress all the rest.

The House perceives that the livery of the Company's government is uniform. I have described the condition of the countries indirectly, but most substantially, under the Company's authority. And now I ask, whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands? If I kept such a faith, (which in reality is no better than a *fides latronum*) with what is called the Company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.

As I have dwelt so long on these who are indirectly under the Company's administration, I will endeavour to be a little shorter upon the countries immediately under this charter government. These are the Bengal provinces. The condition of these provinces is pretty fully detailed in the sixth and ninth reports, and in their appendixes. I will select only such principles and instances as are broad and general.

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To your own thoughts I shall leave it, to furnish the detail of oppressions involved in them. I shall state to you, as shortly as I am able, the conduct of the Company;—1st, towards the landed interests;—next, the commercial interests;—3dly, the native government;—and lastly, to their own government.

Bengal, and the provinces that are united to it, are larger than the kingdom of France: and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the Company's servants perceived the decay into which these provinces had fallen under English administration, and they made a strong representation upon this decay, and what they apprehended to be the causes of it. Soon after this representation, Mr. Hastings became president of Bengal. Instead of administering a remedy to this melancholy disorder, upon the heels of a dreadful famine, in the year 1772, the succour which the new president and the council lent to this afflicted nation was—shall I be believed in relating it?—the landed interest of a whole kingdom, of a kingdom to be compared to France, was set up to public auction! They set up (Mr. Hastings set up) the whole nobility, gentry, and freeholders, to the highest bidder. No preference was given to the ancient proprietors. They must bid against every usurer, every temporary adventurer, every jobber and schemer, every servant of every European, or they were obliged to content themselves, in lieu of their extensive domains, with their house, and such a pension as the state auctioneers thought fit to assign. In this general calamity, several of the first nobility thought (and in all appearance justly) that they had better submit to the necessity of this pension, than continue, under the name of zemindars, the objects and instruments of a system, by which they ruined their tenants, and were ruined themselves. Another reform has since come upon the back of the first; and a pension having been assigned to these unhappy persons, in lieu of their hereditary lands, a new scheme of economy has taken place, and deprived them of that pension.

The menial servants of Englishmen, persons (to use the emphatical phrase of a ruined and patient eastern chief) "whose fathers they would not have set with the dogs of their flock," entered into their patrimonial lands. Mr. Hastings's banian was, after this auction, found possessed of territories yielding a rent of 140,000*l.* a year.

Such an universal proscription, upon any pretence, has few examples. Such a proscription, without even a pretence of delinquency, has none. It stands by itself. It stands as a monument to astonish the imagination, to confound the reason of mankind. I confess to you, when I first came to know this business in its true nature and extent, my surprise did a little suspend my indignation. I was in a manner stupified by the desperate boldness of a few obscure young men, who having obtained, by ways which they could not comprehend, a power of which they saw neither the purposes nor the limits, tossed about, subverted, and tore to pieces, as if it were in the gambols of a boyish unluckiness and malice, the most established rights, and the most ancient and most revered institutions, of ages and nations. Sir, I will not now trouble you with any detail, with regard to what they have since done with these same lands and land-holders; only to inform you, that nothing has been suffered to settle for two seasons together upon any basis; and that the levity and inconstancy of these mock legislators were not the least afflicting parts of the oppressions suffered under their usurpation; nor will any thing give stability to the property of the natives, but an administration in England at once protecting and stable. The country sustains, almost every year, the miseries of a revolution. At present, all is uncertainty, misery, and confusion. There is to be found through these vast regions no longer one landed man, who is a resource for voluntary aid, or an object for particular rapine. Some of them were, not long since, great princes; they possessed treasures, they levied armies. There was a zemindar in Bengal (I forget his name) that, on the threat of an invasion, supplied the soubah of these provinces with the loan of a million sterling. The family at this day wants credit for a breakfast at the bazar.

I shall now say a word or two on the Company's care of the commercial interests of those kingdoms. As it appears in the reports, that persons in the highest stations in Bengal have adopted, as a fixed plan of policy, the destruction of all in-

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termediate dealers between the Company and the manufacturer, native merchants have disappeared of course. The spoil of the revenues is the sole capital which purchases the produce and manufactures; and through three or four foreign companies transmits the official gains of individuals to Europe. No other commerce has an existence in Bengal. The transport of its plunder is the only traffic of the country. I wish to refer you to the appendix to the ninth report for a full account of the manner in which the Company have protected the commercial interests of their dominions in the east.

As to the native government and the administration of justice, it subsisted in a poor tottering manner for some years. In the year 1781, a total revolution took place in that establishment. In one of the usual freaks of legislation of the council of Bengal, the whole criminal jurisdiction of these courts, called the Phoujdary Judicature, exercised till then by the principal Mussulmen, was in one day, without notice, without consultation with the magistrates or the people there, and without communication with the directors or ministers here, totally subverted. A new institution took place, by which this jurisdiction was divided between certain English servants of the Company and the Gentoo zemindars of the country, the latter of whom never petitioned for it, nor, for ought that appears, ever desired this boon. But its natural use was made of it; it was made a pretence for new extortions of money.

The natives had however one consolation in the ruin of their judicature; they soon saw that it fared no better with the English government itself. That too, after destroying every other, came to its period. This revolution may well be rated for a most daring act, even among the extraordinary things that have been doing in Bengal since our unhappy acquisition of the means of so much mischief.

An establishment of English government for civil justice, and for the collection of revenue, was planned and executed by the president and council of Bengal, subject to the pleasure of the directors, in the year 1772. According to this plan, the country was divided into six districts, or provinces. In each of these was established a provincial council, which administered the revenue; and of that council one member by monthly rotation, presided in the courts of civil resort; with an appeal to the council of the province, and thence to Calcutta. In this system (whether, in other respects, good or evil) there were some capital advantages. There was in the very number of persons in each provincial council, authority, communication, mutual check, and control. They were obliged, on their minutes of consultation, to enter their reasons and dissents; so that a man of diligence, of research, and tolerable sagacity, sitting in London, might, from these materials, be enabled to form some judgment of the spirit of what was going on on the furthest banks of the Ganges and Burrampooter.

The court of directors so far ratified this establishment, (which was consonant enough to their general plan of government) that they gave precise orders, that no alteration should be made in it, without their consent. So far from being apprised of any design against this constitution, they had reason to conceive that on trial it had been more and more approved by their council-general, at least by the governor-general, who had planned it. At the time of the revolution, the council-general was nominally in two persons, virtually in one. At that time, measures of an arduous and critical nature ought to have been forborne, even if, to the fullest council, this specific measure had not been prohibited by the superior authority. It was in this very situation, that one man had the hardiness to conceive, and the temerity to execute, a total revolution in the form and the persons composing the government of a great kingdom. Without any previous step, at one stroke, the whole constitution of Bengal, civil and criminal, was swept away. The counsellors were recalled from their provinces; upwards of fifty of the principal officers of government were turned out of employ, and rendered dependent on Mr. Hastings for their immediate subsistence, and for all hope of future provision. The chief of each council, and one European collector of revenue, was left in each province.

But here, Sir, you may imagine a new government, of some permanent description, was established in the place of that which had been thus suddenly overturned. No such thing. Lest these chiefs, without councils, should be conceived to form the ground plan of some future government, it was publicly declared, that their continuance was only temporary and permissive. The whole subordinate British ad-



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ministration of revenue was then vested in a committee in Calcutta, all creatures of the governor-general; and the provincial management, under the permissive chief, was delivered over to native officers.

But, that the revolution, and the purposes of the revolution might be complete, to this committee were delegated, not only the functions of all the inferior, but, what will surprise the House, those of the supreme administration of revenue also. Hitherto the governor-general and council had, in their revenue department, administered the finances of those kingdoms. By the new scheme they are delegated to this committee, who are only to report their proceedings for approbation.

The key to the whole transaction is given in one of the instructions to the committee, "that it is not necessary that they should enter dissents." By this means the ancient plan of the Company's administration was destroyed; but the plan of concealment was perfected. To that moment the accounts of the revenues were tolerably clear; or at least means were furnished for inquiries, by which they might be rendered satisfactory. In the obscure and silent gulph of this committee every thing is now buried. The thickest shades of night surround all their transactions. No effectual means of detecting fraud, mismanagement or misrepresentation, exist. The directors who have dared to talk with such confidence on their revenues, know nothing about them. What used to fill volumes is now comprized under a few dry heads on a sheet of paper. The natives, a people habitually made to concealment, are the chief managers of the revenue throughout the provinces. I mean by natives, such wretches as your rulers select out of them as most fitted for their purposes. As a proper key-stone to bind the arch, a native, one Gunga Govind Sing, a man turned out of his employment by sir John Clavering, for malversation in office, is made the corresponding secretary; and indeed the great moving principle of their new board.

As the whole revenue and civil administration was thus subverted, and a clandestine government substituted in the place of it, the judicial institution underwent a like revolution. In 1772 there had been six courts formed out of the six provincial councils. Eighteen new ones are appointed in their place, with each a judge, taken from the junior servants of the Company. To maintain these eighteen courts, a tax is levied on the sums in litigation, of $2\frac{1}{2}$ per cent. on the great, and of 5 per cent. on the less. This money is all drawn from the provinces to Calcutta. The chief justice, (the same who stays in defiance of a vote of this House, and of his Majesty's recal) is appointed at once the treasurer and disposer of these taxes, levied, without any sort of authority, from the Company, from the crown, or from parliament.

In effect, Sir, every legal regular authority in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding, to guide them in India, is at present the state of your charter-government over great kingdoms.

As the Company has made this use of their trust, I should ill discharge mine, if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation, and of mankind, into some steady hands, possessing the confidence, and assured of the support of this House, until they can be restored to regularity, order, and consistency.

I have touched the heads of some of the grievances of the people, and the abuses of government. But I hope and trust, you will give me credit, when I faithfully assure you, that I have not mentioned one-fourth part of what has come to my knowledge in your committee; and further, I have full reason to believe, that not one-fourth part of the abuses are come to my knowledge, by that or by any other means. Pray consider what I have said only as an index to direct you in your inquiries.

If this then, Sir, has been the use made of the trust of political powers internal and external, given by you in the charter, the next thing to be seen is the conduct of the Company with regard to the commercial trust.—And here I will make a fair offer:—If it can be proved that they have acted wisely, prudently, and frugally, as merchants, I shall pass by the whole mass of their enormities as statesmen. That they have not done this, their present condition is proof sufficient. Their distresses are said to be owing to their wars.

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This is not wholly true: but if it were, is not that readiness to engage in wars which distinguishes them, and for which the committee of secrecy has so branded their politics, founded on the falsest principles of mercantile speculation?

The principle of buying cheap and selling dear is the first, the great foundation of mercantile dealing. Have they ever attended to this principle? Nay, for years have they not actually authorized in their servants a total indifference as to the prices they were to pay?

A great deal of strictness in driving bargains for whatever we contract, is another of the principles of mercantile policy. Try the Company by that test! Look at the contracts that are made for them. Is the Company so much as a good commissary to their own armies? I engage to select for you, out of the innumerable mass of their dealings, all conducted very nearly alike, one contract only, the excessive profits on which during a short term would pay the whole of their year's dividend. I shall undertake to shew, that upon two others, the inordinate profits given, with the lossess incurred in order to secure those profits, would pay a year's dividend more.

It is a third property of trading men to see that their clerks do not divert the dealings of the master to their own benefit. It was the other day only, when their governor and council taxed the Company's investment with a sum of 50,000*l.* as an inducement to persuade only seven members of their board of trade to give their honour that they would abstain from such profits upon that investment as they must have violated their oaths if they had made at all.

It is a fourth quality of a merchant to be exact in his accounts. What will be thought, when you have fully before you the mode of accounting made use of in the treasury of Bengal?—I hope you will have it soon. With regard to one of their agencies, when it came to the material part, the prime cost of the goods on which a commission of 15 per cent. was allowed, to the astonishment of the factory to whom the commodities were sent, the accountant-general reports that he did not think himself authorized to call for vouchers relative to this and other particulars,—because the agent was then upon his honour with regard to them. A new principle of account upon honour seems to be regularly established in their dealings and their treasury, which in reality amounts to an entire annihilation of the principle of all accounts.

It is a fifth property of a merchant, who does not meditate a fraudulent bankruptcy, to calculate his probable profits upon the money he takes up to vest in business. Did the Company, when they bought goods on bonds bearing 8 per cent. interest, at 10 and even 20 per cent. discount, even ask themselves a question concerning the possibility of advantage from dealing on these terms?

The last quality of a merchant I shall advert to, is the taking care to be properly prepared, in cash or goods, in the ordinary course of sale, for the bills which are drawn on them. Now I ask, whether they have ever calculated the clear produce of any given sales, to make them tally with the four million of bills which are come and coming upon them, so as at the proper periods to enable the one to liquidate the other? No, they have not. They are now obliged to borrow money of their own servants to purchase their investment. The servants stipulate 5 per cent. on the capital they advance, if their bills should not be paid at the time when they become due; and the value of the rupee on which they charge this interest is taken at two shillings and a penny. Has the Company ever troubled themselves to inquire whether their sales can bear the payment of that interest, and at that rate of exchange? Have they once considered the dilemma in which they are placed—the ruin of their credit in the East Indies, if they refuse the bills—the ruin of their credit and existence in England, if they accept them? Indeed no trace of equitable government is found in their politics; not one trace of commercial principle in their mercantile dealing; and hence is the deepest and maturest wisdom of parliament demanded, and the best resources of this kingdom must be strained, to restore them; that is, to restore the countries destroyed by the misconduct of the Company, and to restore the Company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.

I required, if you remember, at my outset, a proof that these abuses were habitual. But surely this is not necessary for me to consider as a separate head: because I trust I have made it evident beyond a doubt, in considering the abuses themselves, that they are regular, permanent, and systematical.

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I am now come to my last condition, without which, for one, I will never readily lend my hand to the destruction of any established government; which is, that in its present state, the government of the East India Company is absolutely incorrigible.

Of this great truth I think there can be little doubt, after all that has sppeared in this House. It is so very clear, that I must consider the leaving any power in their hands, and the determined resolution to continue and countenance every mode and every degree of peculation, oppression, and tyranny, to be one and the same thing. I look upon that body incorrigible, from the fullest consideration, both of their uniform conduct, and their present real and virtual constitution.

If they had not constantly been apprized of all the enormities committed in India under their authority; if this state of things had been as much a discovery to them as it was to many of us; we might flatter ourselves that the detection of the abuses would lead to their reformation. I will go further: if the court of directors had not uniformly condemned every act which this House or any of its committees had condemned; if the language in which they expressed their disapprobation against enormities and their authors had not been much more vehement and indignant than ever any used in this House, I should entertain some hopes. If they had not, on the other hand, as uniformly commended all their servants who had done their duty and obeyed their orders, as they had heavily censured those who rebelled; I might say, these people have been in an error, and when they are sensible of it they will mend. But when I reflect on the uniformity of their support to the objects of their uniform censure; and the state of insignificance and disgrace to which all of those have been reduced whom they approved; and that even utter ruin and premature death have been among the fruits of their favour; I must be convinced, that in this case, as in all others, hypocrisy is the only vice that never can be cured.

Attend, I pray you, to the situation and prosperity of Benfield, Hastings, and others of that sort. The last of these has been treated by the company with an asperity of reprehension that has no parallel. They lament "that the power of disposing of their property for perpetuity, should fall into such hands." Yet for fourteen years, with little interruption, he has governed all their affairs, of every description, with an absolute sway. He has had himself the means of heaping up immense wealth; and, during that whole period, the fortunes of hundreds have depended on his smiles and frowns. He himself tells you he is incumbered with two hundred and fifty young gentlemen, some of them of the best families in England, all of whom aim at returning with vast fortunes to Europe in the prime of life. He has then two hundred and fifty of your children as his hostages for your good behaviour; and loaded for years, as he has been, with the execrations of the natives, with the censures of the court of directors, and struck and blasted with the resolutions of this House, he still maintains the most despotic power ever known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offences in this House, even as grounds of a legislative remedy.

On the other hand, consider the fate of those who have met with the applauses of the directors. Colonel Monson, one of the best of men, had his days shortened by the applauses, destitute of the support, of the Company. General Clavering, whose panegyric was made in every dispatch from England, whose hearse was bedewed with the tears, and hung round with the eulogies of the court of directors, burst an honest and indignant heart at the treachery of those who ruined him by their praises. Uncommon patience and temper, supported Mr. Francis a while longer under the baneful influence of the commendation of the court of directors. His health however gave way at length; and, in utter despair, he returned to Europe. At his return the doors of the India-house were shut to this man, who had been the object of their constant admiration. He has indeed escaped with life, but he has forfeited all expectation of credit, consequence, party, and following. He may well say, "Me nemo ministro fur erit, atque ideo nulli comes exeo." This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy make the most shining part of our reports, from whence we have all learned our lessons, if we have learned any good ones; this man, from whose materials those gentlemen who have least acknowledged it have yet

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spoken as from a brief; this man, driven from his employment, discountenanced by the directors, has had no other reward, and no other distinction, but that inward "sunshine of the soul" which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return, for the means with which he has been furnished for performing his share of a duty which is equally urgent on us all.

Add to this, that from the highest in place to the lowest, every British subject, who, in obedience to the Company's orders, has been active in the discovery of peculations, has been ruined. They have been driven from India. When they made their appeal at home they were not heard; when they attempted to return they were stopped. No artifice of fraud, no violence of power, has been omitted to destroy them in character as well as in fortune.

Worse, far worse, has been the fate of the poor creatures, the natives of India, whom the hypocrisy of the Company has betrayed into complaint of oppression, and discovery of peculation. The first women in Bengal, the ranny of Rajeshahi, the ranny of Burdwan, the ranny of Amboa, by their weak and thoughtless trust in the Company's honour and protection, are utterly ruined: the first of these women, a person of princely rank, and once of correspondent fortune, who paid above 200,000*l.* a year quit-rent to the state, is, according to very credible information, so completely beggared as to stand in need of the relief of alms. Mahomed Reza Khân, the second Mussulman in Bengal, for having been distinguished by the ill-omened honour of the countenance and protection of the court of directors, was, without the pretence of any inquiry whatsoever into his conduct, stripped of all his employments, and reduced to the lowest condition. His ancient rival for power, the rajah Nundcomar, was, by an insult on every thing which India holds respectable and sacred, hanged in the face of all his nation, by the judges you sent to protect that people; hanged for a pretended crime, upon an *ex post facto* British act of parliament, in the midst of his evidence against Mr. Hastings. The accuser they saw hanged. The culprit, without acquittal or inquiry, triumphs on the ground of that murder: a murder not of Nundcomar only, but of all living testimony, and even of evidence yet unborn. From that time not a complaint has been heard from the natives against their governors. All the grievances of India have found a complete remedy.

Men will not look to acts of parliament, to regulations, to declarations, to votes, and resolutions. No, they are not such fools. They will ask, what is the road to power, credit, wealth, and honours? They will ask, what conduct ends in neglect, disgrace, poverty, exile, prison and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone of your government. All the rest is miserable grimace.

When I accuse the court of directors of this habitual treachery, in the use of reward and punishment, I do not mean to include all the individuals in that court. There have been, Sir, very frequently, men of the greatest integrity and virtue amongst them; and the contrariety in the declarations and conduct of that court has arisen, I take it, from this:—that the honest directors have, by the force of matter of fact on the records, carried the reprobation of the evil measures of the servants in India. This could not be prevented, whilst these records stared them in the face; nor were the delinquents, either here or there, very solicitous about their reputation, as long as they were able to secure their power. The agreement of their partisans to censure them, blunted for a while the edge of a severe proceeding. It obtained for them a character of impartiality, which enabled them to recommend, with some sort of grace, what will always carry a plausible appearance, those treacherous expedients, called moderate measures. Whilst these were under discussion, new matter of complaint came over, which seemed to antiquate the first. The same circle was here trod round once more; and thus through years they proceeded in a compromise of censure for punishment; until, by shame and despair, one after another, almost every man, who preferred his duty to the Company to the interest of their servants, has been driven from that court.

This, Sir, has been their conduct; and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and

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as public and declared, as it is fixed beyond all power of reformation. So that there is none who hears me, that is not as certain as I am, that the Company, in the sense in which it was formerly understood, has no existence. The question is not, what injury you may do to the proprietors of India stock; for there are no such men to be injured. If the active ruling part of the Company who form the general court, who fill the offices, and direct the measures (the rest tell for nothing) were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India, for the rise or fall of their dividend, it would be indeed a defective plan of policy. The interest of the people who are governed by them would not be their primary object; perhaps a very small part of their consideration at all. But then they might well be depended on, and perhaps more than persons in other respects preferable, for preventing the peculation of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a director or proprietor; and it is impossible that it should. A director's qualification may be worth about 2,500*l.*—and the interest, at eight per cent. is about 160*l.* a year. Of what value is that, whether it rise to ten, or fall to six, or to nothing, to him whose son, before he is in Bengal two months, and before he descends the steps of the council chamber, sells the grant of a single contract for 40,000*l.*? Accordingly the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power who has made an obnoxious fortune in India; or to maintain in power those who are actually employing it in the acquisition of such a fortune; and to avail themselves in return of his patronage, that he may shower the spoils of the east, "barbaric pearl and gold," on them, their families, and dependents. So that all the relations of the Company are not only changed, but inverted. The servants in India are not appointed by the directors, but the directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The house in Leadenhall-street is nothing more than a change for their agents, factors, and deputies to meet in, to take care of their affairs, and support their interests; and this so avowedly, that we see the known agents of the delinquent servants marshalling and disciplining their forces, and the prime spokesmen in all their assemblies.

Every thing has followed in this order, and according to the natural train of events. I will close what I have to say on the incorrigible condition of the Company, by stating to you a few facts that will leave no doubt of the obstinacy of that corporation, and of their strength too, in resisting the reformation of their servants. By these facts you will be enabled to discover the sole grounds upon which they are tenacious of their charter. It is now more than two years that, upon account of the gross abuses and ruinous situation of the Company's affairs, (which occasioned the cry of the whole world long before it was taken up here) that we instituted two committees to inquire into the mismanagements by which the Company's affairs had been brought to the brink of ruin. These inquiries had been pursued with unremitting diligence; and a great body of facts was collected and printed for general information. In the result of those inquiries, although the committees consisted of very different descriptions, they were unanimous. They joined in censuring the conduct of the Indian administration, and enforcing the responsibility upon two men, whom this House, in consequence of these reports, declared it to be the duty of the directors to remove from their stations, and recal to Great Britain, "because they had acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East-India Company."

Here was no attempt on the charter. Here was no question of their privileges. To vindicate their own honour, to support their own interests, to enforce obedience to their own orders; these were the sole object of the monitory resolution of this House. But as soon as the general court could assemble, they assembled to demonstrate who they really were. Regardless of the proceedings of this House, they ordered the directors not to carry into effect any resolution they might come to for the removal of Mr. Hastings and Mr.

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Hornby. The directors, still retaining some shadow of respect to this House, instituted an inquiry themselves, which continued from June to October; and after an attentive perusal and full consideration of papers, resolved to take steps for removing the persons who had been the objects of our resolution; but not without a violent struggle against evidence. Seven directors went so far as to enter a protest against the vote of their court. Upon this the general court takes the alarm; it reassembles; it orders the directors to rescind their resolution, that is, not to recal Mr. Hastings and Mr. Hornby, and to despise the resolution of the House of Commons. Without so much as the pretence of looking into a single paper, without the formality of instituting any committee of inquiry, they superseded all the labours of their own directors, and of this House.

It will naturally occur to ask, how it was possible that they should not attempt some sort of examination into facts, as a colour for their resistance to a public authority, proceeding so very deliberately; and exerted, apparently at least, in favour of their own? The answer, and the only answer which can be given, is, that they were afraid that their true relation should be mistaken. They were afraid that their patrons and masters in India should attribute their support of them to an opinion of their cause, and not to an attachment to their power. They were afraid it should be suspected, that they did not mean blindly to support them in the use they made of that power. They determined to shew that they at least were set against reformation; that they were firmly resolved to bring the territories, the trade, and the stock of the Company, to ruin, rather than be wanting in fidelity to their nominal servants and real masters, in the ways they took to their private fortunes.

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this House. They again made it a request to their favourite, and your culprit, to keep his post; and thanked and applauded him, without calling for a paper which could afford light into the merit or demerit of the transaction, and without giving themselves a moment's time to consider, or even to understand the articles of the Mahratta peace. The fact is, that for a long time there was a struggle, a faint one indeed, between the Company and their servants. But it is a struggle no longer. For some time the superiority has been decided. The interests abroad are become the settled preponderating weight both in the court of proprietors, and the court of directors. Even the attempt you have made to inquire into their practices and to reform abuses, has raised and piqued them to a far more regular and steady support. The Company has made a common cause, and identified themselves, with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud; those you order home to answer for their conduct, they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands; just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.

I will now say a few words to the general principle of the plan which is set up against that of my right hon. friend. It is to re-commit the government of India to the court of directors. Those who would commit the reformation of India to the destroyers of it, are the enemies to that reformation. They would make a distinction between directors and proprietors, which, in the present state of things, does not, cannot exist. But a right hon. gentleman says, he would keep the present government of India in the court of directors; and would, to curb them, provide salutary regulations;—wonderful! That is, he would appoint the old offenders to correct the old offences; and he would render the vicious and the foolish wise and virtuous, by salutary regulations. He would appoint the wolf as guardian of the sheep; but he has invented a curious muzzle, by which this protecting wolf shall not be able to open his jaws above an inch or two at the ut-

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most. Thus his work is finished. But I tell the right hon. gentleman, that controled depravity is not innocence; and that it is not the labour of delinquency in chains, that will correct abuses. Will these gentlemen of the direction animadvert on the partners of their own guilt? Never did a serious plan of amending of any old tyrannical establishment propose the authors and abettors of the abuses as the reformers of them. If the undone people of India see their old oppressors in confirmed power, even by the reformation, they will expect nothing but what they will certainly feel, a continuance, or rather an aggravation, of all their former sufferings. They look to the seat of power, and to the persons who fill it; and they despise those gentlemen's regulations as much as the gentlemen do who talk of them.

But there is a cure for every thing. Take away, say they, the court of proprietors, and the court of directors will do their duty. Yes; as they have done it hitherto. That the evils in India have solely arisen from the court of proprietors, is grossly false. In many of them, the directors were heartily concurring; in most of them, they were encouraging, and sometimes commanding; in all, they were conniving.

But who are to chuse this well-regulated and reforming court of directors?—Why, the very proprietors who are excluded from all management, for the abuse of their power. They will chuse, undoubtedly, out of themselves, men like themselves; and those who are most forward in resisting your authority, those who are most engaged in faction or interest with the delinquents abroad, will be the objects of their selection. But gentlemen say, that when this choice is made, the proprietors are not to interfere in the measures of the directors, whilst those directors are busy in the control of their common patrons and masters in India. No, indeed, I believe they will not desire to interfere. They will chuse those whom they know may be trusted, safely trusted, to act in strict conformity to their common principles, manners, measures, interests, and connections. They will want neither monitor nor control. It is not easy to chuse men to act in conformity to a public interest against their private: but a sure dependence may be had on those who are chosen to forward their private interest, at the expense of the public. But if the directors should slip, and deviate into rectitude, the punishment is in the hands of the general court, and it will surely be remembered to them at their next election.

If the government of India wants no reformation; but gentlemen are amusing themselves with a theory, conceiving a more democratic or aristocratic mode of government for these dependencies, or if they are in a dispute only about patronage; the dispute is with me of so little concern, that I should not take the pains to utter an affirmative or negative to any proposition in it. If it be only for a theoretical amusement that they are to propose a bill; the thing is at best frivolous and unnecessary. But if the Company's government is not only full of abuse, but is one of the most corrupt and destructive tyrannies, that probably ever existed in the world, (as I am sure it is) what a cruel mockery would it be in me, and in those who think like me, to propose this kind of remedy for this kind of evil!

I now come to the third objection, That this Bill will increase the influence of the crown. An hon. gentleman has demanded of me, whether I was in earnest when I proposed to this House a plan for the reduction of that influence. Indeed, Sir, I was much, very much, in earnest. My heart was deeply concerned in it; and I hope the public has not lost the effect of it. How far my judgment was right, for what concerned personal favour and consequence to myself, I shall not presume to determine; nor is its effect upon me of any moment. But as to this Bill, whether it increases the influence of the crown, or not, is a question I should be ashamed to ask. If I am not able to correct a system of oppression and tyranny, that goes to the utter ruin of 30 millions of my fellow-creatures and fellow-subjects, but by some increase to the influence of the crown, I am ready here to declare, that I, who have been active to reduce it, shall be at least as active and strenuous to restore it again. I am no lover of names; I contend for the substance of good and protecting government, let it come from what quarter it will.

But I am not obliged to have recourse to this expedient. Much, very much the contrary. I am sure that the influence of the crown will by no means aid a reformation of this kind; which can neither be originated nor supported, but by the un-

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corrupt public virtue of the representatives of the people of England. Let it once get into the ordinary course of administration, and to me all hopes of reformation are gone. I am far from knowing or believing, that this Bill will increase the influence of the crown. We all know, that the crown has ever had some influence in the court of directors; and that it has been extremely increased by the Acts of 1773 and 1780. The gentlemen who, as part of their reformation, propose "a more active control on the part of the crown," which is to put the directors under a secretary of state, specially named for that purpose, must know, that their project will increase it further. But that old influence has had, and the new will have, incurable inconveniences which cannot happen under the parliamentary establishment proposed in this Bill. An hon. gentleman (governor Johnstone) not now in his place, but who is well acquainted with the India Company, and by no means a friend to this Bill, has told you, that a ministerial influence has always been predominant in that body; and that to make the directors pliant to their purposes, ministers generally caused persons meanly qualified to be chosen directors. According to his idea, to secure subserviency, they submitted the Company's affairs to the direction of incapacity. This was to ruin the Company, in order to govern it. This was certainly influence in the very worst form in which it could appear. At best it was clandestine and irresponsible. Whether this was done so much upon system as that gentleman supposes, I greatly doubt. But such in effect the operation of government on that court unquestionably was; and such, under a similar constitution, it will be for ever. Ministers must be wholly removed from the management of the affairs of India, or they will have an influence in its patronage. The thing is inevitable. Their scheme of a new secretary of state, "with a more vigorous control," is not much better than a repetition of the measure which we know by experience will not do. Since the year 1773 and the year 1780, the Company has been under the controul of the secretary of state's office, and we had then three secretaries of state. If more than this is done, then they annihilate the direction which they pretend to support; and they augment the influence of the crown, of whose growth they affect so great an horror. But in truth this scheme of reconciling a direction really and truly deliberative, with an office really and substantially controling, is a sort of machinery that can be kept in order but a very short time. Either the directors will dwindle into clerks, or the secretary of state, as hitherto has been the course, will leave every thing to them, often through design, often through neglect. If both should affect activity, collision, procrastination, delay, and in the end, utter confusion must ensue.

But, Sir, there is one kind of influence far greater than that of the nomination to office. This gentlemen in opposition have totally overlooked, although it now exists in its full vigour; and it will do so, upon their scheme, in at least as much force as it does now. That influence this Bill cuts up by the roots: I mean the influence of protection. I shall explain myself:—The office given to a young man going to India is of trifling consequence. But he that goes out an insignificant boy, in a few years returns a great nabob. Mr. Hastings says he has 250 of that kind of raw materials, who expect to be speedily manufactured into the merchantable quality I mention. One of these gentlemen, suppose, returns hither, loaded with odium and with riches. When he comes to England, he comes as to a prison, or as to a sanctuary; and either is ready for him, according to his demeanor. What is the influence in the grant of any place in India, to that which is acquired by the protection or compromise with such guilt, and with the command of such riches, under the dominion of the hopes and fears which power is able to hold out to every man in that condition? That man's whole fortune, half a million perhaps, becomes an instrument of influence, without a shilling of charge to the civil list; and the influx of fortunes which stand in need of this protection is continual. It works both ways; it influences the delinquent, and it may corrupt the minister. Compare the influence acquired by appointing for instance even a governor-general, and that obtained by protecting him. I shall push this no further: but I wish gentlemen to roll it a little in their own minds.

The Bill before you cuts off this source of influence. Its design and main scope is to regulate the administration of India upon the principles of a court of judicature; and to exclude, as far as human prudence can exclude, all possibility of a



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corrupt partiality, in appointing to office, or supporting in office, or covering from inquiry and punishment, any person who has abused or shall abuse his authority. At the board, as appointed and regulated by this Bill, reward and punishment cannot be shifted and reversed by a whisper. That commission becomes fatal to cabal, to intrigue, and to secret representation, those instruments of the ruin of India. He that cuts off the means of premature fortune, and the power of protecting it when acquired, strikes a deadly blow at the great fund, the bank, the capital stock of Indian influence, which cannot be vested any where, or in any hands, without most dangerous consequences to the public.

The third and contradictory objection is, that this Bill does not increase the influence of the crown. On the contrary, that the just power of the crown will be lessened, and transferred to the use of a party, by giving the patronage of India to a commission nominated by parliament, and independent of the crown. The contradiction is glaring; and it has been too well exposed to make it necessary for me to insist upon it. But passing the contradiction, and taking it without any relation, of all objections that is the most extraordinary. Do not gentlemen know, that the crown has not at present the grant of a single office under the Company, civil or military, at home or abroad? So far as the crown is concerned, it is certainly rather a gainer; for the vacant offices in the new commission are to be filled up by the king.

It is argued as a part of the Bill, derogatory to the prerogatives of the crown, that the commissioners named in the Bill are to continue for a short term of years, too short in my opinion; and because, during that time, they are not at the mercy of every predominant faction of the court. Does not this objection lie against the present directors; none of whom are named by the crown, and a proportion of whom hold for this very term of four years? Did it not lie against the governor-general and council named in the Act of 1773—who were invested by name, as the present commissioners are to be appointed in the body of the act of parliament, who were to hold their places for a term of terms, and were not removable at the discretion of the crown? Did it not lie against the re-appointment, in the year 1780, upon the very same terms? Yet at none of these times, whatever other objections the scheme might be liable to, was it supposed to be a derogation to the just prerogative of the crown, that a commission created by act of parliament should have its members named by the authority which called it into existence? This is not the disposal by parliament of any office derived from the authority of the crown, or now disposable by that authority. It is so far from being any thing new, violent, or alarming, that I do not recollect, in any parliamentary commission, down to the commissioners of the land-tax, that it has ever been otherwise.

The objection of the tenure for four years is an objection to all places that are not held during pleasure; but in that objection I pronounce the gentlemen, from my knowledge of their complexion and of their principles, to be perfectly in earnest. The party (say these gentlemen) of the minister who proposes this scheme will be rendered powerful by it; for he will name his party friends to the commission. This objection against party is a party objection; and in this too these gentlemen are perfectly serious. They see that if, by any intrigue, they should succeed to office, they will lose the clandestine patronage, the true instrument of clandestine influence, enjoyed in the name of subservient directors, and of wealthy trembling Indian delinquents. But as often as they are beaten off this ground, they return to it again. The minister will name his friends, and persons of his own party.—Whom should he name? Should he name his adversaries? Should he name those whom he cannot trust? Should he name those to execute his plans, who are the declared enemies to the principles of his reform? His character is here at stake. If he proposes for his own ends (but he never will propose) such names as, from their want of rank, fortune, character, ability, or knowledge, are likely to betray or to fall short of their trust, he is in an independent House of Commons; in a House of Commons which has, by its own virtue, destroyed the instruments of parliamentary subservience. This House of Commons would not endure the sound of such names. He would perish by the means which he is supposed to pursue for the security of his power. The first pledge he must give of his sincerity in this great reform, will be in the confidence which ought to be reposed in those names.

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For my part, Sir, in this business I put all indirect considerations wholly out of my mind. My sole question, on each clause of the Bill, amounts to this:—is the measure proposed required by the necessities of India? I cannot consent totally to lose sight of the real wants of the people who are the objects of it, and to hunt after every matter of party squabble that may be started on the several provisions. On the question of the duration of the commission I am clear and decided. Can I, can any one who has taken the smallest trouble to be informed concerning the affairs of India, amuse himself with so strange an imagination, as that the habitual despotism and oppression, that the monopolies, the peculations, the universal destruction of all the legal authority of this kingdom, which have been for 20 years maturing to their present enormity, combined with the distance of the scene, the boldness and artifice of delinquents, their combination, their excessive wealth, and the faction they have made in England, can be fully corrected in a shorter term than four years? None has hazarded such an assertion—none, who has a regard for his reputation, will hazard it.

Sir, the gentlemen, whoever they are, who shall be appointed to this commission, have an undertaking of magnitude on their hands, and their stability must not only be, but it must be thought real;—and who is it will believe, that any thing short of an establishment made, supported, and fixed in its duration, with all the authority of parliament, can be thought secure of a reasonable stability? The plan of my hon. friend is the reverse of that of reforming by the authors of the abuse. The best we could expect from them is, that they should not continue their ancient pernicious activity. To those we could think of nothing but applying control; as we are sure that even a regard to their reputation (if any such thing exists in them) would oblige them to cover, to conceal, to suppress, and consequently to prevent all cure of the grievances of India. For what can be discovered, which is not to their disgrace? Every attempt to correct an abuse would be a satire on their former administration. Every man they should pretend to call to an account, would be found their instrument or their accomplice. They can never see a beneficial regulation, but with a view to defeat it. The shorter the tenure of such persons, the better would be the chance of some amendment.

But the system of the Bill is different. It calls in persons in no wise concerned with any act censured by parliament; persons generated with, and for, the reform, of which they are themselves the most essential part. To these the chief regulations in the Bill are helps, not fetters; they are authorities to support, not regulations to restrain them. From these we look for much more than innocence. From these we expect zeal, firmness, and unremitted activity. Their duty, their character, binds them to proceedings of vigour; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust; a tenure without which, none will undertake plans that require a series and system of acts. When they know that they cannot be whispered out of their duty, that their public conduct cannot be censured without a public discussion; that the schemes which they have begun will not be committed to those who will have an interest and credit in defeating and disgracing them; then we may entertain hopes. The tenure is for four years, or during their good behaviour. That good behaviour is as long as they are true to the principles of the Bill; and the judgment is in either House of Parliament. This is the tenure of your judges; and the valuable principle of the Bill is to make a judicial administration for India. It is to give confidence in the execution of a duty, which requires as much perseverance and fortitude as can fall to the lot of any that is born of woman.

As to the gain by party, from the right hon. gentleman's Bill, let it be shewn, that this supposed party advantage is pernicious to its object, and the objection is of weight; but until this is done, and this has not been attempted, I shall consider the sole objection, from its tendency to promote the interest of a party, as altogether contemptible. The kingdom is divided into parties, and it ever has been so divided, and it ever will be so divided; and if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin, can be adopted until it is demonstrated that no party can derive an advantage from it, no good can ever be done in this country. If party is to derive an advantage from the reform of India (which is more than I know, or believe), it ought to be that

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party which alone, in this kingdom, has its reputation, nay its very being, pledged to the protection and preservation of that part of the empire. Great fear is expressed, that the commissioners named in this Bill will shew some regard to a minister out of place. To men made like the objectors, this must appear criminal. Let it however be remembered by others, that if the commissioners should be his friends, they cannot be his slaves. But dependents are not in a condition to adhere to friends, nor to principles, nor to any uniform line of conduct. They may begin censors, and be obliged to end accomplices. They may be even put under the direction of those whom they were appointed to punish.

The fourth and last objection is, That the Bill will hurt public credit. I do not know whether this requires an answer. But if it does, look to your foundations. The sinking fund is the pillar of credit in this country; and let it not be forgot, that the distresses, owing to the mismanagement of the East India Company, have already taken a million from that fund by the non-payment of duties. The bills drawn upon the Company, which are about four millions, cannot be accepted without the consent of the Treasury. The Treasury, acting under a parliamentary trust and authority, pledges the public for these millions. If they pledge the public, the public must have a security in its hands for the management of this interest, or the national credit is gone. For otherwise it is not only the East India Company, which is a great interest, that is undone, but, clinging to the security of all your funds, it drags down the rest, and the whole fabric perishes in one ruin. If this Bill does not provide a direction of integrity and of ability competent to that trust, the objection is fatal. If it does, public credit must depend on the support of the Bill.

It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, In the like case they have no security at all—no—no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained: they are violated, when the privilege is supported against its end and its object.

Now, Sir, I have finished all I proposed to say, as my reasons for giving my vote to this Bill. If I am wrong, it is not for want of pains to know what is right. This pledge, at least, of my rectitude I have given to my country.

And now, having done my duty to the Bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary; not so much in justice to him, as to my own feelings. I must say then, that it will be a distinction honourable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that was ever exercised, has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. *He* will remember, that obloquy is a necessary ingredient in the composition of *all* true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honour, under the burthen of temporary reproach. He

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is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much. But here is the summit. He never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults, there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the fourth of France, as they did exist in that father of his country. Henry the fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom: that sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least, with truth, that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that through a long succession of generations, he had been the progenitor of an able and virtuous citizen, who by force of the arts of peace, had corrected governments of oppression, and suppressed wars of rapine:

Indole proh quanta juvenis, quantumque daturus
Ausoniæ populis, ventura in sæcula civem.
Ille super Gangem, super exauditus et Indos,
Implebit terras voce; et furialia bella
Fulmine compescet linguæ.———

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this Bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honourable friend, and not of Cicero. I confess, I anticipate with joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this Bill, will bless the labours of this parliament, and the confidence which the best House of Commons has given to him who the best deserves it. The little cavils of party will not be heard, where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which well not bless the presiding care and manly beneficence of this House, and of him who proposes to you this great work. Your names will never be separated before the throne of the Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honours you deserve, and they will surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion.

I have spoken what I think, and what I feel, of the mover of this Bill. An hon. friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric; the fruit of much meditation; the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labours of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species.

Mr. *Duncombe* said, he admired the premises as stated and illustrated by the hon. gentleman, but begged to be excused from jumping into his conclusion. He was charmed with his eloquence, but wished not to be misled by it. He could not help on all occasions, but especially whenever this Bill pressed itself on his attention, adverting to the peculiarly delicate situation in which it placed the right hon. Secretary who brought it in. He lamented exceedingly the loss of his abilities to the service of his country, to the salvation of which he once thought him alone adequate. But now that confidence, without which no minister in this country could ever be successful, was, in respect to him, no more. The people, whose rights he had so ably, so faithfully, and so effectually defended, were sorry to be convinced of his desertion, of his dereliction of principles and professions so fair and honourable, that not to have believed them would have been criminal. He was

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satisfied, however, that the Bill was pregnant with many evils, which nothing but another relinquishment of patriotism would suffer any man to justify. He would not pretend to enter into the various exceptions that notoriously were against its utility, its efficiency, and even its necessity: but he protested that he should not answer the purpose of his constituents in calling him to represent them in parliament, unless he gave his opposition to every shape and stage of this despotic business. He reprobated the Bill as a wanton violation of the chartered rights of the Company. He said, there was no reason for any such violent measure, and that it rather seemed to be the minister anxious to make the distresses of the Company a handle and pretence for grasping at inordinate power, than a real necessity, which prompted the whole proceeding. He had ever opposed the influence of the crown, and as he saw the Bill would put influence into the hands of the minister in a still more alarming degree, he would resist it strenuously. He was therefore against the Speaker's leaving the chair.

Mr. *Martin* said, that however painful it was to him to rise in that assembly, that there were certain occasions on which he thought it his duty to resist every feeling of diffidence, and to offer a few words to the House in the best manner he was able; that the present stage of this Bill was certainly one of those occasions; that he rose to express his cordial satisfaction that the right hon. Secretary had thus early and thus boldly thrown off the mask, and shewn to the House and to the public his political complexion in its strongest colours. He was one of those who never augured any good from what he should continue to call a ridiculous and detestable coalition; but he had not thought it possible that the right hon. Secretary should so suddenly have brought forward a measure so totally repugnant to those principles of opposition to corrupt influence on which he had been so many years declaiming. Having constantly voted with him, in endeavouring to diminish that sort of influence, he thought he was justified in expressing the warmest resentment against such apostacy. He was one of those whom the right hon. Secretary had frequently endeavoured to ridicule for having wished that every European might be driven out of the East, but every hour, every minute, and every moment, confirmed him in that opinion; but he was more particularly convinced, by what had fallen in a former debate on this subject, from an hon. gentleman (Mr. Dempster) who had said something to this effect, that 'he conceived we had no more right to take possession of lands in that part of the world, than a horde of Tartars would have to seize upon Yorkshire, or any other opulent district on this island.' Mr. Martin declared, that he was in general an enemy to what was called systematic opposition, by which he understood, in plain vulgar English, the voting through thick and thin to oust an administration; but that, if ever he should think himself justified in such conduct, it would be in times like these, when a set of men had abandoned the sound principles of the constitution, and joined themselves to its greatest enemies, for the sake of satisfying their avarice and ambition, or, to say the least, the virulence of their party spirit. That though many persons earnestly wished to drop the subject of the coalition, as trite and unfit to be longer talked of, he was of a different opinion, and wished to see a starling perched on the right elbow of the Speaker's chair, which, whenever a pernicious measure like that under consideration was brought forward, should repeat incessantly to the Treasury-bench, 'disgraceful, shameless coalition!' That he should not have been hurt to the degree he now felt himself, if the right hon. Secretary had deserted alone; but that he had deluded and seduced numbers of men, who stood high in public estimation, with whom he (Mr. Martin) had formerly thought it a very high honour to associate: but that now, however elevated their station, compared to his humble lot, he should endeavour to keep himself free from the contagion of their principles; for that the infection had spread far and wide, and had taken effect upon many gentlemen, whose constitutional principles he thought free from danger. That it was no wonder that the right hon. Secretary should be fearless of dangers to himself in proposing any measure, however atrocious; for that, as an hon. gentleman had very justly observed, he had a most glaring instance of imbecility in the nation, in the impunity of his noble colleage, whom he had ignominiously joined, though he, and several of his friends, had a hundred times pledged themselves virtually, if not in direct words, to bring him to trial. Mr. Martin added, that he hoped, however pernicious and destructive to the constitution this measure

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might be in itself, that the attempt might be of service, by rouzing the people at large from that lethargic insensibility with which they seemed to be oppressed. That he had long ceased to be surprised at any thing in the assembly where he was speaking, and that therefore it would be no matter of astonishment if the right honourable Secretary should carry his Bill triumphantly. That he had great powers on his side, that he had numbers, that he had men of high rank and description, and that he had some gentlemen of a profession which, when liberally exercised, he held in the highest estimation; but that there were some of those gentlemen, who were not contented with making talking their profession, but whose talk was nothing but profession. That some of those gentlemen had, on a former day, seemed to wish, by dint of gesticulation and vociferation, to frighten the poor disheartened minority into as high a veneration, or rather adoration of the right hon. Secretary, as they themselves had professed; but that for his part, he was really not to be frightened out of the moderate share of understanding that God had given him, and should never more hold the right hon. Secretary in any esteem as a public man. Mr. Martin said, that an hon. baronet whom they were about to lose from the House of Commons (Sir George Savile) had told the Speaker, in his hearing, in the face of the House, on a former occasion, that they had betrayed the rights of their constituents; that the House, conscious of the truth of his assertion, had quietly submitted to the reproof. Mr. Martin said, that if they should pass this Bill, it would be a fresh betrayal of their constituents. He said, the right hon. Secretary might, perhaps, not think him very modest in preferring a petition to him after he had thus openly censured him; but that he should, notwithstanding, ask him a favour in that public situation. It was no other, than that in the course of the ensuing session, he would not hurt the feelings of gentlemen, by the mention of the name of a late noble marquis, whose character men of all parties revered, however they might differ from him in their political opinions. Mr. Martin said, he was perfectly convinced, that that virtuous nobleman would no more have introduced or supported such a measure as that proposed, than he would have joined the noble lord, who, to the disgrace and infamy of this country, walked abroad untried for the loss of an extensive empire through his unjust and coercive conduct. Mr. Martin then took notice that a right hon. gentleman (Mr. Burke) had, with that spirit of humanity and fire of imagination which he possessed, entertained the House for a very considerable time, with a most pathetic account of the miseries inflicted on the natives in the East Indies, whom Mr. Martin said he felt for with the greatest pain, but that he thought that the right hon. gentleman would have passed some part of that time more to the purpose, in proving to the House, that the new administration, as proposed for India, would be less corrupt and less cruel than that he wished to abolish. Seeing this Bill in the light in which it offered itself to his understanding, he should give his decided negative to the Speaker's leaving the chair.

Sir *Grey Cooper* said, in every parliamentary or incidental debate, or conversation on the state of the affairs of the East India Company, during the course of the last, and at the opening of this session, it had been, and was at the moment he was speaking, universally admitted, that the great and most important consideration demanded the immediate and effectual interference of parliament. It was said, and not denied, that something must be done to save the Company: something to secure the state from the peril of being too deeply interested in and complicated with the fortune and state of that great Company: something that might give not only order and regulation, but energy and duration to the administration of their affairs at home and abroad.

It was and is admitted, that the arm of the present direction is not strong enough to wield or to manage such a government. A protest was entered last year, and with ease renewed at the opening of this session, against palliatives, half measures, procrastination and delay. Every body was for the unexplained something; but when the something was stated, when the outline of the proposition, now under consideration, was drawn, without a moment's pause or deliberation, it was, with the rapid glance of intuitive comprehension, declared to be a measure of despotism on the one side, and of corruption on the other; and when necessity was urged as the ground of parliamentary interposition in this case, necessity was called by all the names that the exaggera-

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tion of eloquence could express, was called by the old name of the tyrant's plea, and the new one, of the creed of slaves. Upon this topic the counsel of the Company enlarged and expended their imagination. They said the plea of necessity existed in the times of the Stuarts, but that it was buried at the Revolution. That was a singular period to assign for the supposal of necessity; for, to follow that most striking observation of the right hon. Secretary who presented the Bill, if necessity had not been the plea and the justification of freemen at the revolution, this House would not now have had a deliberative capacity, and the mandates of absolute power would have been the creed of slaves. Mr. St. John, in his famous Argument on the case of Ship-money,* admitted the plea of necessity in many cases: he proved that the necessity for their money was false and pretended, but that rights and property being introduced and maintained by known laws, there were times when, like the Philistines upon Sampson, those laws were too weak to bind us; and, as Cicero says, 'necessitas magnum humanæ imbecilitatis patronicium omnem legem frangit.' This is a strong authority: and if, in this case, the necessity be evident, uncontrolable and unmanageable by expedients, it is an indispensable duty of parliament to its constituents and to their country to interfere.

The good sense of these times will not be diverted from its purpose by mere words, however splendid they may be; or by assertions, however imposing or magnificent they may appear to be; for, from whatever height they may descend, this House will form its opinion upon evidence that has been brought home to the matter before them, not upon the ground of speculative reasonings, and conclusions drawn from abstract propositions; upon the basis of facts as they are, not upon the possibility of what they may be; upon the state of things, not upon the characters of persons. The interference of parliament to regulate, reform, alter, rescind, and vacate grants and charters of the crown, are most incontestably justified by the law and practice of parliament. The proceedings of this House, and the Acts passed in consequence thereof, in the cases of the Turkey Company and the African Company, are clear proofs of this position; the detail of which may be seen by the Journals, and in as good times as any this country boasts.

The dispute was not, he conceived, at present, upon the sacred right and immutability of the Company's charter, though that at first seemed to be hazarded: but upon the point whether a case be made either upon evidence or common notoriety for the present interposition; and that is really the true question upon the principle of the Bill. He had always been given to understand, that it was the pointed plan and leading measure of the earl of Chatham, whose name could never be mentioned in that House without reverence; that the government of this country should avail itself of the profit and advantage of the territorial acquisitions and revenues, which at the time in which he was the efficient minister at the close of the year 1767, were known to be in the possession of the Company; and in his way to the attainment of this great object, he did not seem to consider the charters of the Company as any stumbling-block or impediment to this career.

Committees of inquiry were instituted. Whilst that inquiry was going on, when the general court was running the course, and following the visions of the South Sea scheme, their progress was arrested by the most spirited and salutary interposition. The account of the vote of the court came when the House was sitting. A Bill was drawn upon the box on the table in a few minutes, by one of the ablest members of parliament who ever sat in that House. The Company petitioned against the *Bill*; but upon a question whether it should be referred to the committee, that petition was rejected.* In the midst of these proceedings the Company entered into a negociation to pay a considerable rent for the possession of the territories, and a bargain was made that lasted till 1773. The Bills in 1773 it was not necessary to state, but he desired that part of the preamble to the second Bill might be read; it was drawn by the same respectable member who proposed the restraining Bill for their dividends, and against their sending out a supervisor to India.

But an account was produced to shew, that the necessity does not exist, and that the Company was only under a temporary difficulty and distress, and that upon the whole their property was far beyond their debts and demands, and that

* See Howell's State Trials, vol. 3, p. 856.

* See vol. 16, p. 342.

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they were in reality in a prosperous situation. This account was certainly produced as evidence by the counsel at the bar; but it was to be remembered, that they did not rest their case or their arguments upon it, and that they were not instructed to desire that it should be read: they seemed to be aware, that it was not calculated to be read. The abstract looked well, and the sum total bore a good face: but, unfortunately for this account, it fell to be examined, searched, and dissected by the most acute discernment; and the fallacies of this extraordinary paper were stated and exposed in the most clear and convincing animadversion—at the touch of the spur it started up in its own shape.

He had nothing to add to these observations, except that the account bore a double aspect. It was stated by great authority to be laid before the House to prove, that no necessity for the present interference existed; for that the Company was merely under a temporary difficulty and distress. But on the face of it, it stated the value of property, which could have no value till the Company was dissolved, or in a state of actual and declared insolvency. The value of their buildings in Leadenhall-street, their desperate debts at home and abroad, and their military stores, were clearly dead stock, and not convertible into money till that event arrived. In 1702, when the old company was dissolved, that account might have been proper to be presented to lord Godolphin, before he made his famous award, which was the basis of the two companies. The dead stock and buildings were allowed for at that time: but the case to justify the necessity was short.

They owe the state for customs one million. They owe 100,000*l.* on their bargain for the payment of 400,000*l.* in 1782. This occasioned the present deficiency in the revenue of the sinking fund; and the payment of this debt cannot be long delayed. They had been empowered to borrow money on their bonds, to the amount of 500,000*l.* Bills were drawn upon them to the amount of two millions and a half. There was a loan of 300,000*l.* in Exchequer bills, which must be cancelled: if not paid before the 6th of April, 1685, to fall on the then next aids, and collaterally on the sinking fund. Would the House and the nation consent to pay the debts, and to indorse the bills, and to raise money to pay them by taxes laid on the land and the industry of the people of Great Britain, to relieve and support a Company under its present government and management at home and abroad?—a Company, which, instead of adding, by the result of its commerce, to the national stock, or by its revenues, to the wealth and strength of the kingdom, hung a dead weight and heavy incumbrance on all our faculties and resources, and was the drain of the vital strength of Great Britain; and which would, if not prevented by some measures of energy and duration, sink us with it to inevitable ruin.

Mr. *Ord* began with saying, that, like a right hon. gentleman who spoke lately, he could declare he had been for years laboriously employed in the investigation of the affairs of India; that he likewise had not troubled the House on that subject for three years; and, he would add, that although his abilities might not be any thing like equal to those of the right hon. gentleman, he dared assert, that he was actuated by as pure a motive. He then proceeded to justify the secret committee, whose reports he rose to rescue from the odium of having in any part of them suggested such a Bill as that under consideration: there was not a syllable in any one of them that led to such an idea, much less had it ever been in the contemplation of the members of that committee to propose a measure at all similar to that which had been introduced by the right hon. Secretary. The Bill brought in by the learned gentleman (Mr. Dundas) was the Bill which he had himself had a hand in drawing. That Bill did not break through the Company's charter, annihilating all their rights, and seizing upon all their property; it merely regulated the charter, by restraining the court of proprietors from their controling power over the court of directors, and gave an increased degree of authority where the vigour of government was most wanted, in India, where an equal share of responsibility was also placed. The several objections already started he resumed, and dwelt with most emphasis on the influence of the crown, which he did not think was at all diminished by the various systems of reform which had been so loudly trumpeted in the House, and to the public. For what were all these retrenchments, compared with the vast accumulation of patronage which this Bill undeniably embraced? It would not only give permanency to the affairs of the Company, but



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to the situation of ministers. And this was one chief reason which urged him to condemn and execrate this measure, as it gave such a weight to the prerogative, as might in the end overbalance the democratical part of the constitution. This he was determined never to lose sight of in all his parliamentary discussions, because the moment the balance of the constitution was lost, our liberties were extinct. He consequently deemed it his duty to oppose the commitment of a Bill fraught with so much ignominy and ruin, not only to the Company, which was its more immediate victim, but also and certainly, however remotely, to the liberties of the community at large.

Mr. *Gregory* entered into a very distinct narrative of all the Company's transactions since the time of his occupying a share of the direction. He had long foreseen, and sometimes foretold the present perplexed and involved situation of their affairs: he had even declared in the committee, that the various abuses of them had become so flagitious and enormous, that unless some specific measure was adopted, it would be better to leave the investigation of them altogether. But a measure was contrived and attempted at last, which fully met his idea, because it seemed possessed of all those requisites which were calculated to render it effectual and complete. Many other schemes he had heard proposed, but none of them seemed to embrace the entire object with so much accuracy and simplicity as this. He then entered on the consideration of the Company's affairs, which were not, in his apprehension, retrievable, but on a plan altogether new, reduced to other principles, and put into other hands; he accordingly declared his attachment to the Bill; but he wished the House to believe him, that he acted in this, as he ever had done in all matters of trust, with the most scrupulous integrity; the whole time he had been in the direction, this, and this alone, had been the object he aimed at—to serve the Company independently, honestly, and faithfully; so that, in giving his consent to the present Bill, he hoped to be understood as supporting it on principles of real and sincere esteem. He defended his own conduct while a member of the secret committee, appealing to Mr. Dundas and Mr. Ord, whether he had not recommended an effectual and strong measure respecting India, if any was pursued? He declared, that though the Bill appeared to him to be by far the best system that he had yet seen or heard of, yet he hoped there would ever continue a respectable opposition in that House, who would narrowly watch the commissioners' conduct, and exercise a rigorous control over their proceedings.

Mr. *Beaufoy* addressed the House as follows:—I have listened, Sir, with the greatest attention to the various arguments that have been urged in the course of the debate, that I might either adopt, with confidence, the opinions of others, or be enabled, by their means, to correct and improve my own; for my object is not to censure or applaud administration, but to contribute all I can to the establishment of such a system as may be productive of effectual reform in India, with the least possible infringement of the Company's rights at home—with the least possible hazard to the British constitution. I shall, therefore, support the system proposed by the present Bill, where I can do it with integrity; and where I cannot, I shall endeavour to point out what preferable system may be devised.

All that part of the right hon. Secretary's plan, which provides for the happiness of the natives of India, appears to me to be equally humane and wise; for it restores to them what they have long been deprived of—the rights of men. The necessity of this reform is sufficiently proved, by the various instances of violence and abuse which a right hon. gentleman (Mr. Burke) has already described, in his review of the conduct of the Company's servants in India. Many other instances, equally strong, might be alleged, but I shall mention only two. It appears by the records of your proceedings, that one of the Company's servants levied on the natives a tax of 2,000*l.* a year for the charges of his toilet; a second tax of 2,500*l.* a year for the expenses of his table; a third tax of 2,000*l.* a year as perquisites to his footman. These sums he extorted, not from the great and from the rich, but from wretches who had nothing but their subsistence to give. So intense was the tyranny of the Company's servants, that they aggravated the miseries even of pestilence and famine; for when, in many of the districts of Bengal, more than half the inhabitants were swept away, the Company's collectors compelled the living to pay the taxes of the dead.

Equally ruinous with these horrid op-

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pressions, though not equally rapid in their operation, is the custom so repeatedly recommended by the directors at home, so eagerly adopted by their servants abroad, of dispossessing the rajahs and zemindars, the ancient nobility and hereditary proprietors of the soil, and of letting their lands on lease to the highest bidder. While these chieftains had possession of their estates, each was considered by the people, not only as their judge in time of peace, and their leader in time of war, but as the general father of his district. Such, indeed, is the affection the people bear them, that even in distress and poverty, and banishment itself, they will not leave them: if poor, they contribute all they can to their relief; if banished, they follow them to exile. To restore these unfortunate men to their estates, is to restore prosperity and happiness to places that have long been the seats of desolation and despair. If, then, nothing more were to be considered in the right hon. Secretary's plan, but its probable effect on the interests of the natives of India, he would be entitled to the thanks, not only of the brahmins, not only of every other Hindoo, but of every human being who feels an interest in the sufferings of his kind.

But examine the effects which this system will have on the rights of the India Company; examine the effects it will have on the British constitution: you will find it embarrassed with difficulties without end; evils of uncommon magnitude rise upon the view. This Bill avowedly abrogates the Company's charters. Charters, Sir, are not like other laws, repealable at the will of the legislature; they are compacts, and cannot be justly cancelled without the consent of both the contracting parties. That parliament has a right to interfere in prescribing the mode in which the Company's territorial possessions shall be governed, no doubt can be entertained; for such interference implies no breach of the Company's charter. But to subvert their constitution, on the plea of an unproved and unreal necessity, unproved and unreal as applied to these objects; to violate solemn compacts, to break through engagements, for the observance of which the faith and honour of the nation have been pledged; the authority of parliament itself does not extend so far; for even the omnipotence of parliament is circumscribed by the eternal laws of justice. Is there a man who ventures to deny this maxim? One such man it seems there is: 'Away with their chartered rights,' said the right hon. gentleman (Mr. Burke); 'you are not bound to observe them:' the great charter gives you authority to violate all charters: the great charter gives you a right to do the extremity of wrong. Such is the spirit of this new system; such are the maxims by which its advocates recommend it to the House. But the sacred rights which charters give, are not the only rights which this Bill violates: it has a wider aim; for its principle is levelled at all the rights of property. The same power which appoints agents and stewards to the Company against their will, and makes them independent of their control, may equally appoint an agent and steward to the estate of every gentleman who hears me; may equally assign the management of his affairs, the collection of his rents, and their disposal, when collected, to a person in whose appointment his will had no share, and over whose actions he has no control. But the power which deprives him of the management and disposal of his property, does, in effect, deprive him of his property itself. This principle once established, what security have the other public companies of the kingdom? What security has the Bank of England? What security has the South Sea Company? What security have any of the public corporations? What security have the national creditors, or indeed any individual, either for his public or his private rights? It would be folly in the extreme to suppose that this principle, once admitted, will operate only on the affairs of the East India Company. Good principles may sleep; but bad ones never will. It is the curse of society, that when a bad principle is once established, bad men will always be found to give it its full effect.

Numberless are the objections that may be made to this pernicious system; but I will not say any thing of the enormous addition to the influence of the crown that must result from the creation of 15 new placemen; of placemen invested not only with all the patronage which the management of the commercial concerns of so vast a Company must give them among the manufacturing and trading interests at home, but likewise with the substantial and exorbitant power that must attend the receipt of little less than five millions of revenue, and the government of more than twenty millions of peo-

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ple. I will not say any thing of the breach which this system makes in the constitution, by giving executive authority to those in whom the constitution acknowledges only legislative; nor will I make any remarks on the means which this system seems calculated to afford a minister, on the one hand, of controling parliament by the influence of the crown, if that should be necessary to his views; or, on the other hand, if this better suits his schemes, of controling the crown by an extension of the executive power of parliament: I will not enlarge on these things; for no evidence of argument, no power of language can add to the melancholy reflections which the very mention of them excites in the mind of every thinking man.

But I shall be told, that to find fault is an easy talent; and shall be asked, perhaps, 'what better system have you to propose?' In the first place, allow me to express my firm belief, that if any equitable plan were proposed, to such a plan the consent of the Company might be easily obtained. Upon this supposition, I would propose that the management of the Company's commercial concerns shall be committed to agents chosen by themselves; in other words, that as far as their commercial interests are in question, the constitution of the Company shall continue the same as it is; or, that if any alteration be made in it, it be only that of restoring to the proprietors of 500*l.* stock, their ancient right of voting in all resolutions of their court. In the next place, I would propose that the management of the Company's territorial possessions shall be assigned to three persons resident in England; to three persons, not to seven, nominated by the crown, not by parliament. I prefer three persons to seven, as adding less to the power of the crown; I prefer three persons to one, from a persuasion that the time and talents of no single man are equal to such an extent and variety of business—the separation of the commerce of the Company from their territorial possessions has been declared by the right hon. Secretary to be extremely difficult; some difficulties I know there are; but that those difficulties are insuperable, I can never believe. In the third place, I would propose that the disposal of the revenues of India, like that of the revenues at home, shall originate with parliament; and that all sums expended shall be applied to specific services, in consequence of specific grants. Extraordinary expenses must, I know, be incurred; but in that case, the persons who issue the money will be responsible to parliament, and if their reasons are disapproved, will be liable to punishment. It were much to be wished, too, that all future accounts of money received or disbursed in India, might be referred to a select committee, annually appointed by the House; as, by that means, no frauds of any magnitude could easily escape detection. In the last place, I would propose, that during the remaining period of the Company's charter, such part of the India revenue as shall be more than sufficient to maintain the civil and military establishments there, shall be appropriated to the specific purposes of paying the Company's debts, and of providing their investment. But that, when the Company's charter shall expire, such part of the surplus revenue as parliament shall think may be drawn from that country without distress and ruin to the natives, shall be remitted through the medium of the Company's investment, in the same manner as the private fortunes of the Company's servants are now transmitted to Europe, through the medium of investments of foreign companies. By this plan the pernicious union of the two incompatible characters of sovereign and merchant would be destroyed; the Company would be reduced to their original character of merchants merely, and be compelled to exchange a trade of fraud and violence, for an equitable trade on principles merely commercial; while the natives, hitherto victims to the avarice of the Company, would live under the protection of the British government, as securely as they formerly lived under the protection of their own.

This plan has also these farther recommendations, that it violates no charters; it trespasses on no man's right; it brings with it no breach of the constitution, for it gives no executive power to the delegates of the people; nor would it occasion any addition to the other power of the crown than that which, in the nature of things, is unavoidable; an addition so small, that it is not more than in proportion to the additional means of control which would be given to parliament. I fear, Sir, I have trespassed on the indulgence of the House much too long. If I have so offended, it has not been owing to any presumptuous opinion of myself, but

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to the earnest desire I feel to avoid those unwarrantable schemes, those desperate projects that roll on other principles than those of the constitution, of probity, and justice. When plans of this sort are proposed, not to give them all the opposition in my power, would be to sacrifice my own peace of mind, and my character as an honest man.

Mr. *Samuel Smith*, jun. went through an argument upon the directors' state of the Company's accounts, delivered last Thursday; answering Mr. Fox's observations article by article, and charging him with wilful misrepresentation. He charged the whole with being a design to send off some half-plucked pigeons to India, in order that they might come back in full plumage, decked out in all the splendour of the East.

Mr. *Dundas* delivered his opinion at large on the affairs of the East India Company, on the Bill he had himself brought in last session, and on the Bill then under consideration. He desired the House to look a moment at the very extraordinary manner in which that Bill stood before them. When the right hon. Secretary opened it, he had been understood to declare the Company bankrupts. He could not himself say whether this was the case or not, but he had read it in a report of the right hon. gentleman's speech at an inn on the road to town. That report stated the Secretary to have made such a declaration, and the newspaper was well known not to be adverse to the right hon. gentleman. Take it for granted, however, that this was a mistake: under this mistake the court of directors prepare an account of their affairs, made up just as if they were bankrupts. The right hon. Secretary answered the account with great ingenuity, and upon that issue the Bill proceeds: so that the Company in fact, had not been fairly heard, and that House were wholly in the dark as to any information the Company were able to lay before them. Having dwelt on the impropriety of proceeding under such circumstances, Mr. Dundas said, as the King in his speech at the end of the last session, mentioned the affairs of India, and said, it would be one of the first subjects taken into consideration when parliament met again, he was entitled to presume that the right hon. gentleman had by that time made up his mind to his system, and that he perfectly well knew what that system was. It would have been fair, therefore, to have communicated to the Company by their chairman, or through some other medium, what the system was, that they might have prepared themselves to come forward with a true state of their accounts, and to defend themselves against the Bill, when parliament met. Having said this, he went into a detail of the proceedings of the secret committee, and of the origin, principle, and view of the Bill, which he had brought in last year. He declared the last administration had no hand in forming it: that it was drawn only by a few members of the secret committee. He argued upon the propriety of giving more power in India to the government there, rather than to enlarge the powers here. After going fully through this part of his subject, he came to the consideration of the present Bill, which he reprobated, as big with the most alarming consequences to the constitution, declaring it created an *imperium in imperio*; and so far from increasing the influence of the crown, did, what was much worse, create a new, inordinate, and unexampled influence, which it placed in the hands of the minister of the present day, and his party, for five years together. In this, he said, the right hon. gentleman had out-heroded Herod. He had gone beyond all his former achievements in reducing the influence of the crown; for this created an immensity of patronage; it was a patronage which would follow the right hon. gentleman to private life. He described the dangerous consequences of such an influence; the objection was not, he repeated, to the accession of influence which it would give to the crown, but to the influence which it would create in the persons of the present ministers, independent of the crown, and of the parliament; an influence unknown to the constitution, and which, in his mind, would be infinitely more dangerous than the influence of the crown, however great. If the commissioners were appointed by the crown, they would become, as they ought, objects of jealousy to that House; they would be like the other ministers of the crown, for ever watched by parliament; but this board, appointed under the sanction and cover of their names, would claim their peculiar protection as their political creators, and their conduct would not be watched with the jealousy and suspicion which it ought to be. He described the Bill which he proposed, and said, that he commended the appointment of a new secretary of

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state for India, as a far preferable measure. He declared, he had rather see the master of the show, than the puppets he meant to move; if therefore Mr. Fox was in such an office, he was persuaded the duties of it would be actively and usefully discharged, and the public much better served than by the seven emperors the right hon. gentleman meant to nominate.

The *Solicitor General* (Mr. Mansfield) replied, and turned the arguments of Mr. Dundas on the minister's not having given the Company earlier notice of his system upon himself, asking, why he had not given the Company due notice of his Bill last year? He said, the *imperium in imperio* already existed; it was the East India Company, acccording to its present constitution.

Mr. *Thomas Pitt* said, he was no party man: he detested systematic and factious opposition; but he declared, he considered the present Bill as so oppressive and alarming an attack on the liberties of the subject, the independence of parliament, the prerogative of the crown, and the principles of the constitution, that if to-morrow were to be his last day, he should die in more peace for the opportunity he enjoyed that night of pronouncing his determined opposition to it. It was one of the measures which gentlemen might expect from such a ministry; from a coalition who had entered into office by seizing the reins of government by force, and who meant to conclude their career by giving the death-blow to their country.

Lord *John Cavendish* said, that when the Bill came to be coolly considered, the public would see what pains had been taken by those who raised so much clamour against it, to confound their judgments, and mislead their understandings. The Bill was such a measure as the situation of affairs required. All systems must necessarily be adapted to the situation and circumstances of a country. Nobody but a child or a trifler would think of continuing the present constitution of the India Company, and make those who had already proved themselves inadequate to the energy of government, the medium of applying a new system to India. There were, then, but two opinions; to give the crown the appointments, or to nominate in parliament to them. The latter was adopted. Why? Because it was the most efficacious. Because the Bill was an experiment, and to give the system fair trial, it must necessarily be permanent for a sufficient time to prove its utility. That could not be done in any other way than the one chosen. It was necessary also for him to remind the House, that if parliament did not pass that Act, or some other, for the relief of the Company, within 20 days, the process must issue from the Exchequer, and the goods of the Company be all seized by virtue of an extent; for by that time the limitation of the act of parliament would expire. With regard to having changed his principles, he had never changed them. He had often, in the course of a 30 years parliamentary life, found it right to act with different sets of men. He had never deserted others, but others had deserted him, and that more than once, twice, or thrice. Lord John adverted to what had been thrown out about party and faction. Party and faction, he said, were materially different; faction was a combination of men, who, pursuing their own interests, were consequently hostile to those of their country. Party, on the contrary, implied only confidence, arising from congeniality of opinion; a band of men united on principle, and allied to one another by the experience of mutual integrity; such a preconcert was necessary to give firmness to a ministry; such had ever been his opinion; and he had always been a party man; but he contemned the idea of being a member of a faction. Party was a system of connection founded on previous confidence; faction the cry of an heterogeneous opposition, whose aim was power, and who pursued it by an indiscriminate attack, both of what was right and what was wrong. This, however, was an invariable maxim in his political creed, that public men must stand on their public character, and that the private favour of the prince was not the constitutional road to office.

Mr. *W. Pitt* went over all the ground of the debate. He pledged himself to enter into the discussion of the particulars of the statement of the Company's affairs, and to prove the objections of Mr. Fox to be fallacious. He said, that he would venture a paradox. The Bill tended, in its principle, not only to diminish, but also to increase the influence of the crown. This was a paradox; but he explained it thus: it increased the influence of the crown in the end; but in the mean time, it increased only the influence of the present ministers, inde-

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pendent of the crown; and should they be driven from their places, they would carry this influence with them into private life, and it would be exerted against the crown. He spoke again of the coalition; called to recollection several of their former expressions; paid Mr. Fox many high compliments; said that he was the man, of all others, the most eminently endowed, and the best calculated to save his country: but this measure was so bold, so violent, and so mischievous, that he could not entertain a good opinion of him. He charged Mr. Fox with acting with men, avowed enemies to those principles which the right hon. gentleman had so gloriously exerted himself in defending and enforcing, when he (Mr. Pitt) had first begun his political and parliamentary career, and had the honour of fighting by his side in the same cause; a cause which he never would abandon. He said, that those who opposed the present Bill, were always called upon to produce another in its stead. It might not be improper to call to the recollection of the House, an expression which fell from one of the right hon. Secretaries of State, when, before the coalition, the other called upon him for something of the same sort. 'No,' says he, 'I by no means hold myself called upon to propose a measure in the room of that which I object to. It is the business of ministers, it is their duty to propose measures for the government of the country; it is ours to question the wisdom, the propriety, and the application of the remedies they propose to the evils which exist.' He called to the memory of the House another expression of the right hon. gentleman's, and which he applied, he said, to an hon. friend with whom he lived in the closest intimacy. The right hon. gentleman, he said, would recollect a time; or if he did not, there were those now near him who could put him in mind of it, when the administration of the noble lord in the blue ribbon was defended upon this principle: 'I do not support them because they are active, industrious, and able, but because I cannot find better to put in their place.' What was the reply of the right hon. gentleman? 'That such language was a libel upon human nature;' with other expressions, which Mr. Pitt said he forebore to add. But, said Mr. Pitt, though this was the language of the right hon. Secretary, I will not follow him in it. If the House should think it right to throw out this Bill, which I trust they will, I pledge myself to bring forward a bill for the regulation of India, not subject to these objections, not charged with this violence. It is not matured in my mind; but the idea is formed, and I pledge myself to bring it forward. In recollecting the memorabilia of Mr. Fox, he must not forget the expression which came from him on that truly memorable day, when the peace was discussed: 'You called for a peace,' said he, speaking in the tone of the minister of the day, 'and I have given you a peace, such a peace that you shall repent of ever having sought a peace; such a peace as shall make you feel, and suffer for your conduct. I shall make you rue the day that you dared to pester me with so impertinent a demand.' How applicable would this sentence be to his present conduct! Might he not now, in his own person, say, 'you called for something to be done for the East Indies; you asked for some settlement of that government; you said that something must be done immediately; and something shall be done; but it shall be so done, that you shall repent the longest day you have to live your interference in the matter.' He talked of the liberty allowed to the Westminster committee to meet, propose amendments of the laws, superintend parliament, and control its conduct; and compared it with the not suffering the East India Company to be heard or to make their defence, when their chartered rights and properties were in imminent danger. He concluded with repeating the declaration, that if the House should throw out this Bill, he pledged himself to bring forward one which would, in his mind, answer the exigencies, without the violence or danger of this measure.

Mr. Secretary *Fox* rose, and delivered himself to the following effect:

Sir; the necessity of my saying something upon the present occasion, is so obvious to the House, that no apology will, I hope, be expected from me in troubling them even at so late an hour, (two o'clock in the morning). I shall not enter much into a detail, or minute defence, of the particulars of the Bill before you, because few particular objections have been made: the opposition to it consisting only in general reasonings, of little application some, and some totally distant from the point in question. This Bill has been combated through its past



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stages upon various principles; but to this moment the House has not heard it canvassed upon its own intrinsic merits. The debate this night has turned chiefly upon two points—violation of charter, and increase of influence; and upon both these points I shall say a few words.

The hon. gentleman, who opened the debate (Mr. Powys), first demands my attention; not, indeed, for the wisdom of the observations which fell from him this night, (acute and judicious though he is upon most occasions) but from the natural weight of all such characters in this country, the aggregate of whom should, in my opinion, always decide upon public measures: but his ingenuity was never, in my opinion, exerted more ineffectually, upon more mistaken principles, and more inconsistent with the common tenor of his conduct, than in this debate.

The hon. gentleman charges me with abandoning that cause, which, he says, in terms of flattery, I had once so successfully asserted. I tell him, in reply, that if he were to search the history of my life, he would find that the period of it, in which I struggled most for the real, substantial cause of liberty, is this very moment that I am addressing you. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by any other power, is despotism. This Bill, instead of subverting, is destined to give stability to these principles; instead of narrowing the basis of freedom, it tends to enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

What is the most odious species of tyranny? Precisely that which this Bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow-creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless labourer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation. In a word, that thirty millions of men, gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism, unmatched in all the histories of the world.

What is the end of all government? Certainly the happiness of the governed. Others may hold other opinions; but this is mine, and I proclaim it. What are we to think of a government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandizement grows out of the miseries of mankind? This is the kind of government exercised under the East India Company upon the natives of Indostan; and the subversion of that infamous government is the main object of the Bill in question. But in the progress of accomplishing this end, it is objected that the charter of the Company should not be violated; and upon this point, Sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and its failure arises from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that trust should not be resumed, and delivered to other hands, more especially in the case of the East India Company, whose manner of executing this trust, whose laxity and langour produced, and tend to produce consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted? I beg of gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our government. These kind of arguments are batteries against the main pillar of the British constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the Revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every king: yet, with all my attachments to the person of a first magistrate, had I lived in the reign of James the 2nd, I should most certainly have contributed my efforts, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, that 'trust abused was revocable.'

No man, Sir, will tell me, that a trust to a company of merchants stands upon the

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solemn and sanctified ground by which a trust is committed to a monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution, with a thousand valuable improvements and advantages, at the Revolution; and who, at this moment, rise up the champions of the East India Company's charter, although the incapacity and incompetence of that Company to a due and adequate discharge of the trust deposited in them by that charter, are themes of ridicule and contempt to all the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonoured. To rescue that name from odium, and redeem this character from disgrace, are some of the objects of the present Bill; and gentlemen should, indeed, gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

Those who condemn the present Bill as a violation of the chartered rights of the East India Company, condemn, on the same ground, I say again, the Revolution, as a violation of the chartered rights of king James 2. He, with as much reason, might have claimed the property of dominion; but what was the language of the people? No, you have no property in dominion; dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed; it was a sacred trust delegated by compact: you have abused that trust; you have exercised dominion for the purposes of vexation and tyranny; not of comfort, protection, and good order: and we therefore resume the power which was originally ours; we recur to the first principles of all government, the will of the many; and it is our will that you shall no longer abuse your dominion. The case is the same with the East India Company's government over a territory, as it has been said by my hon. friend (Mr. Burke) of 280,000 square miles in extent, nearly equal to all Christian Europe, and containing 30,000,000 of the human race. It matters not whether dominion arises from conquest, or from compact: conquest gives no right to the conqueror to be a tyrant; and it is no violation of right to abolish the authority which is misused.

Having said so much upon the general matter of the Bill, I must beg leave to make a few observations upon the remarks of particular gentlemen; and first of the learned gentleman over against me (Mr. Dundas). The learned gentleman has made a long, and, as he always does, an able speech; yet, translated into plain English, and disrobed of the dexterous ambiguity in which it has been enveloped, what does it amount to? To an establishment of the principles upon which this Bill is founded, and an indirect confession of its necessity. He allows the frangibility of charters, when absolute occasion requires it, and admits that the charter of the Company should not prevent the adoption of a proper plan for the future government of India, if a proper plan can be achieved upon no other terms. The first of these admissions seems agreeable to the civil maxims of the learned gentleman's life, so far as a maxim can be traced in a political character so various and flexible: and to deny the second of these concessions was impossible, even for the learned gentleman, with a staring reason upon your table, I mean the learned gentleman's bill of last year, to confront him if he attempted it. The learned gentleman's Bill and the Bill before you, are grounded upon the same bottom, of abuse of trust, mal-administration, debility, and incapacity in the Company and their servants: but the difference in the remedy is this: the learned gentleman's Bill opens a door to an influence a hundred times more dangerous than any that can be imputed to this Bill, and deposits in one man an arbitrary power over millions, not in England, where the evil of this corrupt ministry could not be felt, but in the East Indies, the scene of every mischief, fraud, and violence. The learned gentleman's Bill afforded the most extensive latitude for malversation; the Bill before you guards against it with all imaginable precaution. Every line in both the Bills which I have had the honour to introduce, presumes the possibility of bad administration, for every word breathes suspicion. This Bill supposes that men are but men: it confides in no integrity, it trusts no character; it inculcates the wisdom of a jealousy of power, and annexes responsibility not only to every action, but even to the inaction of those who are to dispense it. The necessity of these



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provisions must be evident, when it is known that the different misfortunes of the Company resulted not more from what the servants did, than from what the masters did not.

To the probable effects of the learned gentleman's Bill and this, I beg to call the attention of the House. Allowing, for argument's sake, to the governor-general of India, under the first-named Bill, the most unlimited and superior abilities, with soundness of heart, and integrity the most unquestionable; what good consequences could be reasonably expected from his extraordinary, extravagant, and unconstitutional power, under the tenure by which he held it? Were his projects the most enlarged, his systems the most wise and excellent which human skill could advise; what fair hope could be entertained of their eventual success, when, perhaps, before he could enter upon the execution of any measure, he may be recalled in consequence of one of those changes in the administrations of this country, which have been so frequent for a few years, and which some good men wish to see every year? Exactly the same reasons which banish all rational hope of benefit from an Indian administration under the Bill of the learned gentleman, justify the duration of the proposed commission. If the dispensers of the plan of governing India (a place from which the answer of a letter cannot be expected in less than twelve months), have not greater stability in their situations than a British ministry, adieu to all hopes of rendering our eastern territories of any real advantage to this country; adieu to every expectation of purging or purifying the Indian system, of reform, of improvement, of reviving confidence, of regulating the trade upon its proper principles, of restoring tranquillity, of re-establishing the natives in comfort, and of securing the perpetuity of these blessings, by the cordial reconcilement of the Indians with their former tyrants, upon fixed terms of amity, friendship, and fellowship. I will leave the House and the kingdom to judge which is best calculated to accomplish those salutary ends; the Bill of the learned gentleman, which leaves all to the discretion of one man, or the Bill before you, which depends upon the duty of several men, who are in a state of daily account to this House, of hourly account to the ministers of the crown, of occasional account to the proprietors of East India stock, and who are allowed sufficient time to practise their plans, unaffected by every political fluctuation.

But the learned gentleman wishes the appointment of an Indian secretary of state in preference to these commissioners: in all the learned gentleman's ideas on the government of India, the notion of a new secretary of state for the Indian department springs up, and seems to be cherished with the fondness of consanguinity *; but that scheme strikes me as liable to a thousand times more objections than the plan in agitation. Nay, the learned gentleman had rather, it seems, the affairs of India were blended with the business of the office which I have the honour to hold. His good disposition towards me upon all occasions cannot be doubted, and his sincerity in this opinion is unquestionable. I beg the House to attend to the reason which the learned gentleman gives for this preference, and to see the plights to which men, even of his understanding, are reduced, who must oppose. He laughs at the responsibility of the commissioners to this House, who, in his judgment, will find means of soothing, and softening, and meliorating the members into an oblivion of their mal-administration. What opinion has the learned gentleman of a secretary of state? Does he think him so inert, so inactive, so incapable a creature, that with all this vaunted patronage of the seven in his own hands, the same means of soothing, and softening, and meliorating are thrown away upon him? The learned gentleman has been for some years conversant with ministers; but his experience has taught him, it seems, to consider secretaries not only untainted and immaculate, but innocent, harmless, and incapable. In his time, secretaries were all purity, with every power of corruption in their hands; but so inflexibly attached to rigid rectitude, that no temptation could seduce them to use that power for the purpose of corrupting, or, to use his own words, for soothing, or softening, or meliorating. The learned gentleman has formed his opinion of the simplicity and inaction of secretaries, from that golden age of political probity, when his own friends were in power, and when himself was every

* Mr. Dundas's Bill was to have appointed a Secretary of State for the Indian department, and to have made the Governor-General despotic in India. If the Earl of Shelburne had continued in power, it was understood that Mr. Dundas was to be the Indian Secretary. Mr. Fox here alluded to this anecdote.

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thing but a minister. This erroneous humanity of opinion arises in the learned gentleman's unsuspecting, unsullied nature, as well as in a commerce with only the best and purest ministers of this country, which has given him so favourable an impression of a secretary of state, that he thinks this patronage, so dangerous in the hands of seven commissioners, perfectly safe in his hands. I leave to the learned gentleman that pleasure which his mind must feel under the conviction with which he certainly gives this opinion; but I submit to every man who hears me, what would be the probable comments of the other side of the House, had I proposed either the erection of an Indian secretary, or the annexation of the Indian business to the office which I hold.

In the assemblage of the learned gentleman's objections, there is one still more curious than those I have mentioned. He dislikes this Bill, because it establishes an *imperium in imperio*. In the course of opposition to this measure, we have been familiarized to hear certain sentiments and particular words in this House—but directed, in reality, to other places. Taking it, therefore, for granted, that the learned gentleman has not so despicable an idea of the good sense of the members, as to expect any more attention within these walls to such a dogma than has been shewn to the favourite phrase of his hon. friend near him (Mr. W. Pitt), who calls a Bill which backs this sinking Company with the credit of the state, a confiscation of their property, I would wish to ask the learned gentleman, if he really holds the understanding, even of the multitude, in such contempt, as to imagine this species of argument can have the very slightest effect? The multitude know the fallacy of it as well as the learned gentleman himself: they know that a dissolution of the East India Company has been wished for scores of years, by many good people in this country, for the very reason that it was an *imperium in imperio*. Yet the learned gentleman, with infinite gravity of face, tells you he dislikes this Bill, because it establishes this novel and odious principle. Even a glance of this Bill, compared with the present constitution of the Company, manifests the futility of this objection, and proves that the Company is, in its present form, a thousand times more an *imperium in imperio* than the proposed commissioners. The worst species of government is that which can run counter to all the ends of its institution with impunity. Such exactly was the East India Company. No man can say, that the directors and proprietors have not, in a thousand instances, merited severe infliction; yet, who did ever think of a legal punishment for either body? Now, the great feature of this Bill is to render the commissioners amenable, and to punish them upon delinquency.

The learned gentleman prides himself that his Bill did not meddle with the commerce of the Company; and another gentleman, after acknowledging the folly of leaving the government in the hands of the Company, proposes to separate the commerce entirely from the dominion, and leave the former safe and untouched to the Company itself. I beg leave to appeal to every gentleman conversant in the Company's affairs, whether this measure is, in the nature of things, practicable at this moment. That the separation of the commerce from the government of the East may be ultimately brought about, I doubt not; but when gentlemen reflect upon the immediate state of the Company's affairs, when they reflect that their government was carried on for the sake of their commerce, that both have been blended together for such a series of years; when they review the peculiar, perplexed, and involved state of the eastern territories, their dissimilitude to every system in this part of the globe, and consider the deep and laborious deliberation with which every step for the establishment of a salutary plan of government, in the room of the present odious one, must be taken—the utter impossibility of instantly detaching the governing power from interference with the commercial body, will be clear and indubitable.

A gentleman has asked, why not chuse the commissioners out of the body of directors; and why not leave the choice of the assistant directors in the court of proprietors? That is to say, why not do that which would infallibly undo all you are aiming at? I mean no general disparagement, when I say that the body of the directors have given memorable proofs that they are not the sort of people to whom any man can look for the success or salvation of India. Amongst them there are, without doubt, some individuals respectable, both for their knowledge and integrity; but I put it to the candour of gentlemep, whether they are the sort of men whose wisdom, energy, and diligence,

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would give any promise of emancipating the East-India concerns from their present disasters and disgraces. Indeed both questions may be answered in two words. Why not chuse the directors, who have ruined the Company? Why not leave the power of election in the proprietors, who have thwarted every good attempted by the directors?

The last point adverted to by the learned gentleman relates to influence; and upon his remarks, combined with what fell from some others upon the same subject, I beg leave to make a few observations. No small portion of my life has been employed in endeavours to diminish the inordinate influence of the crown. In common with others, I succeeded; and I glory in it. To support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first introduced this plan, I now repeat; I re-assert that this Bill as little augments the influence of the crown, as any measure which can be devised for the government of India that presents the slightest promise of solid success, and that it tends to increase it in a far less degree than the Bill proposed by the learned gentleman. The very genious of influence consists in hope or fear; fear of losing what we have, or hope of gaining more. Make these commissioners removeable at will, and you set all the little passions of human nature afloat. If benefit can be derived from the Bill, you had better burn it than make the duration short of the time necessary to accomplish the plans it is destined for. That consideration pointed out the expediency of a fixed period; and in that respect it accords with the principle of the learned gentleman's Bill; with this superior advantage, that instead of leaving the commissioners liable to all the influence which springs from the appointment of a governor-general, removeable at pleasure, this Bill invests them with the power for the time specified upon the same tenure that British judges hold their station, removeable upon delinquency, punishable upon guilt; but fearless of power if they discharge their trust, liable to no seducement, and with full time and authority to execute their functions for the common good of the country, and for their own glory. I beg of the House to attend to this difference, and then judge upon the point of increasing the influence of the crown, contrasted with the learned gentleman's Bill.

The state of the accusations against me upon this subject of influence, is truly curious. The learned gentleman (Mr. Dundas) in strains of emphasis, declares, that this Bill diminishes the influence of the crown beyond all former attempts, and calls upon those who formerly voted with him in support of that influence, against our efforts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish that darling influence. He tells them I out-herod Herod; that I am out-doing all my former out-doings; and proclaims me as the merciless and insatiate enemy of the influence of the crown.

Down sits the learned gentleman, and up starts an hon. gentleman, with a charge against me, upon the same subject, of a nature the direct reverse. I have fought under your banner, cries the hon. gentleman (Mr. Martin) against that fell giant, the influence of the crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of influence, falls far short of you at this moment; your attempts at re-erecting this monster, exceed all the exertions of your former foes. This night you will make the influence of the crown a colossus, that shall bestride the land, and crush every impediment. I impeach you for treachery to your ancient principles—come, come, and divide with us!

This hon. gentleman, after a thrust or two at the coalition, sits down; and whilst the House is perplexing itself to reconcile these wide differences, the right hon. gentleman over the way (Mr. W. Pitt) confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox; and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment, he has found out that the Bill both increases and diminishes the influence of the crown. The Bill diminishes the influence of the crown, says one: you are wrong, says a second, it increases it: you are both right, says a third, for it both increases and diminishes the influence of the crown. Now, as most members have one or other of these opinions upon the

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subject, the right hon. gentleman can safely join with all parties upon this point; but few, I trust, will be found to join him. Thus, Sir, is this Bill combated, and thus am I accused. The nature and substance of these objections I construe as the strongest comment upon the excellence of the Bill. If a more rational opposition could be made to it, no doubt it would. The truth is, it increases the influence of the crown, and the influence of party as little as possible; and if the reform of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, or ignorance, or caprice, shall not raise objections, the affairs of human life must stand still.

I beg the House will attend a little to the manner in which the progress of this Bill has been retarded, especially by the right hon. gentleman (Mr. W. Pitt.) First, the members were not all in town, and time was desired upon that account. Next, the finances of the East-India Company were mis-stated by me, and time was desired to prove that. The time came, the proofs exhibited, counsel heard, and yet the issue was, that my former statement, instead of being controverted, became more established by the very proofs which were brought to overturn it. The right hon. gentleman has misrepresented me to-night again: he has an evident pleasure in it, which indeed I cannot prevent; but I can prevent this House and this country from believing him. He prefers the authority of his own conception (eager enough in all conscience to misunderstand me) of what I said to my own repeated declarations of my own meaning. He supposes a mistake, because he wishes it. I never did say the Company were absolute bankrupts to the amount of the debt, but I said there was immediate necessity of paying that given sum, without any immediate means of providing for it. The account of the Company's circumstances, presented last week, furnished matter of triumph to the right hon. gentleman for the full space of three hours, that is to say, whilst counsel were at the bar. I made no objection to the account but this trifling one—that twelve millions were stated which ought not to appear at all there, and which were placed there only for delusion and fallacy! I never objected to the arithmetic of the account: the sums, I doubt not, were accurately cast up even to a figure, yet the House will recollect, that the right hon. gentleman, about this very hour of that debate, endeavoured to protract the business to the next day, upon assuring the House that the Company would then support their statement. I refused to accede, because I knew the matter to be mere shifting, and manœuvring for a vote, and that the Company could not support their statement. Was I right? The House sees whether I was: the House sees the finance post is now totally abandoned, and for the best reason in the world, because it is no longer tenable. But the right hon. gentleman is indeed a man of resources; he now gives me a challenge, and I beg the House to remark, that I accept his challenge, and that I prophesy he will no more meet me upon this than upon the former points.

But there is no limit to a youthful and vigorous fancy. The right hon. gentleman just now, in very serious terms, and with all his habitual gravity, engages, if the House will join in opposing us to night, that he will digest and methodise a plan, the outline of which he has already conceived. He has nothing now to offer; but justly confiding in the fertility of his own imagination, and the future exercise of his faculties, he promises that he will bring a plan, provided the majority of this House will join him to-night. Now if ever an idea was thrown out to pick up a stray vote or two in the heel of a debate, by a device, the idea given a while ago by the right hon. gentleman is precisely such; but if I can augur rightly from the complexion of the House, his present will have exactly the same success with all his past stratagems to oppose this Bill.

The learned gentleman (Mr. Dundas) with singular placidness, without smile or sneer, has said, 'as this measure was probably decided upon some time since, the East India Company, who could not expect such a blow, ought to have been informed of the intended project. The Company was evidently unaware of this attack, and, in fairness, should have been apprised of it.' Does the learned gentleman imagine men are in their sober senses, who listen to such cavilling and quibbling opposition? The Company unaware of this attack! The learned gentleman's own labours, independent of any other intimation, had been an ample warning to the Company to be prepared. Every man in the kingdom who reads a newspaper, expected something; and the only wonder with the



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nation was, how it could be so long delayed. The reports of the committees alarmed the public so much for the honour of the country, and for the salvation of the Company, that all eyes were upon East India affairs. This sort of observation had indeed much better come from any other man in this House, than from that identical gentleman.

But if these were not sufficient to rouse the attention and diligence of the Company, his Majesty's speech at the commencement and conclusion of the late session of parliament, gave them note of preparation in the most plain and decisive terms. In his opening speech, his Majesty thus speaks to parliament upon the subject of India:—'The regulation of a vast territory in Asia, opens a large field for your wisdom, prudence, and foresight: I trust that you will be able to form some fundamental laws, which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our government. You may be assured, that whatever depends upon me shall be executed with a steadiness, which can alone preserve that part of my dominions, or the commerce which arises from it.'

The learned gentleman, who knows more of the dispositions of the cabinet at that time than I do, can better tell whether any measure of this nature was then intended. The words are very wide, and seem to portend at least something very important; but, whether any thing similar to this measure was meant, as this passage seems to imply, or not, is indifferent to the point in question. This is clear from it, that it gives a very ceremonious warning to the East India Company; enough surely to expose the weakness and futility of the learned gentleman's remark. The changes and circumstances of the cabinet, in the course of the last session, can be the only excuse for the delay of some decisive measure with regard to India; and if in addition to all these, any thing more is requisite to confirm the notoriety of parliament's being to enter upon the business, the following paragraph of the King's closing speech, last July, completes the mass of evidence against the learned gentleman. His Majesty, after intimating a belief that he shall be obliged to call his parliament together earlier than usual, thus speaks:—'The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.' Superadd to all this, the part of the King's opening speech this year upon India; and if the whole do not constitute sufficient testimony that the Company had full notice, nothing can.

Yet, notwithstanding all this, the learned gentleman accuses us of surprising the Company: and his right hon. friend, in hopes his proposal of another bill may have weight in the division, repeats the hackneyed charge of precipitation, and forces the argument for delay in a taunt, 'that we wish to get rid of our torments, by sending this Bill to the other House.' The right hon. gentleman's talents are splendid and various; but I assure him, that all his efforts, for the last eight days, have not given me a single torment. Were I to chuse a species of opposition to insure a ministerial tranquillity, it would be the kind of opposition which this Bill has received, in which every thing brought to confute has tended to confirm, and in which the arguments adduced to expose the weakness, have furnished materials to establish the wisdom of the measure: so impossible is it, without something of a tolerable cause, even for the right hon. gentleman's abilities to have effect, though his genius may make a flourishing and superior figure in the attempt.

Before I proceed to the other parts of the debate, I wish to say one word upon a remark of the learned gentleman: he says, that the clause relative to the zemindars was suggested by his observations. God forbid I should detract from the merit, or diminish the desert of any man! Undoubtedly that excellent part of the regulation Bill derives from the learned gentleman; and if he were in this House when I introduced the subject of India, he would have known that I did him full and complete justice upon that point.

My noble friend (lord John Cavendish) has said, that this Bill does not arise from the poverty of the Company, but that liberal policy and national honour demanded it. Upon the last day this Bill was debated, I confined myself chiefly to the demonstration of the fallacy and imposture of that notable schedule presented by the East India Company; and having proved its falsehood, I can now with the greater safety declare, that if every shilling of that fictitious property was real

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and forthcoming, a bill of this nature would not therefore be the less necessary. I thought we were fully understood upon this point, from the opening speech in this business, which did not so degrade the measure as to say it originated in the poverty of the Company, which, as my noble friend rightly remarks, was the smallest reason to its adoption, and which opinion is not, as the right hon. gentleman insinuates, 'shifting,' but recognizing and recording the true grounds of the Bill. If any misunderstanding, then, has hitherto taken place upon this head, it will, I trust, cease henceforth; and so odious a libel upon this country will not pass current, as that sordid motives only induced the government of England to that which we were bound to do, as politicians, as Christians, and as men, by every consideration which makes a nation respectable, great, and glorious.

Having vindicated the Bill from this aspersion, and founded it upon that basis which every honest and sensible man in England must approve, I may be allowed to say, that some regard may be had even to the mean and mercenary upon this subject—a portion of whom we have here, in common with all other countries. Will such men endure with temper a constant drain upon this kingdom, for the sake of this monopolizing corporation? Will those, for instance, who clamour against a two-penny tax, afford, with good humour, million after million to the East India Company? The sinking fund is at this moment a million the worse for the deficiencies of the Company; and as my noble friend says, an extent must in three weeks arrest their property, if parliament does not interpose, or enable them to discharge a part of their debt to the crown. Let those, therefore, who think the commerce ought to be instantly separated from the dominion (were that at this time possible), and who think it ought to be left wholly in the present hands, reflect, that the formation of a vigorous system of government for India is not more incumbent upon us than the establishment of the eastern trade, upon such principles of solidity and fitness as shall give some just hopes that the public may be speedily relieved from the monstrous pressure of constantly supporting the indigence of the Company.

I have spoken of myself very often in the course of what I have said this night, and must speak still more frequently in the course of what I have to say: the House will see this awkward task is rendered indispensable, infinitely more having been said concerning me, during the debate, than concerning the question, which is the proper subject of agitation. The right hon. gentleman (Mr. W. Pitt) says, that nothing ever happened to give him an ill impression of my character, or to prevent a mutual confidence. He says rightly; there have been interchanges of civilty, and amicable habits between us, in which I trust I have given him no cause to complain. But after pronouncing a brilliant eulogy upon me and my capacity to serve the country, the right hon. gentleman considers me at the same time the most dangerous man in the kingdom, (Mr. Pitt said across the House, 'dangerous only from this measure.' To which Mr. Fox instantly made this reply) I call upon the House to attend to the right hon. gentleman; he thinks me dangerous 'only from this measure,' and confesses, that 'hitherto' he has seen nothing in my conduct to obliterate hi good opinion. Compare this with his opposition during the last and the present session. Let every man reflect, that up to this moment the hon. gentleman deemed me worthy of confidence, and competent to my situation in the state. I thank him for the support he has afforded to the minister he thus esteemed, and shall not press the advantage he gives me, farther than leaving to himself to reconcile his practice and his doctrine in the best manner he can.

The right hon. gentleman could not for one night pass by the coalition, yet I think he might have chosen a fitter time to express his indignation against the noble lord than the present moment. An attack upon the noble lord in his presence would bear a more liberal colour; and the cause of his absence now*, would surely rather disarm than irritate a generous enemy. There are distinctions in hatred, and the direst foes upon such occasions moderate their aversion. The coalition is, however, a fruitful topic; and the power of traducing it, which the weakest and meanest creatures in the country enjoy and exercise, is of course equally vested in men of rank and parts, though every man of parts and rank would not be apt to participate in the privilege.

* Lord North left the House in a state of indisposition, about midnight.

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Upon the coalition, the right hon. gentleman is welcome to employ his ingenuity; but upon another subject alluded to by him, I shall beg leave to advise, nay, even to instruct him.

In what system of ethics will the right hon. gentleman find the precept taught of ripping up old sores, and reviving animosities among individuals, of which the parties themselves retain no memory †? This kind of practice may incur a much worse charge than weakness of understanding, and subject a man to much greater imputations than are commonly applied to political mistakes or party violence. The soundness of the heart may be liable to suspicion, and the moral character be in danger of suffering by it, in the opinion of mankind. To cover the heats, and obliterate the sense of former quarrels between two persons, is a very distinguished virtue: to renew the subject of such differences, and attempt the revival of such disputes, deserves a name which I could give it, if that right hon. gentleman had not forgotten himself, and fallen into some such deviation. He values himself, I doubt not, too much, again to make a similar slip, and must even feel thankful to me for the counsel I thus take the liberty to give him.

An hon. gentleman (Mr. Martin), to whom an abuse of the coalition seems a sort of luxury, wishes that a starling were at the right hand of the chair to cry out 'disgraceful coalition!'. Sir, upon this subject I shall say but a few words: The calamitous situation of this country required an administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an administration could not be formed without some junction of parties; and if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country, as it is well known that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble lord in the blue ribbon no longer existed; his personal character stood high; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble lord. A similar junction, in 1757, against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalship of all its enemies. The country, when we came into office, bore not a very auspicious complexion; yet, Sir, I do not despair of seeing it once again resume its consequence in the scale of nations, and again make as splendid a figure as ever. Those who have asserted the impossibility of our agreeing with the noble lord and his friends, were false prophets; for events have belied their augury. We have differed like men, and like men we have agreed. A body of the best and honestest men in this House, who serve their country without any other reward than that arising from the disinterested discharge of their public duty, approved that junction, and sanctify the measure by their cordial support.

Such, Sir, is this coalition, which the state of the country rendered indispensable, and for which the history of every country records a thousand precedents; yet to this the term disgraceful is applied. Is it not extraordinary, then, that gentlemen should be under such spells of false-delusion, as not to see, that if calling it disgraceful makes it so, these epithets operate with equal force against themselves. If the coalition be disgraceful, what is the anti-coalition? When I see the right hon. gentleman (Mr. Pitt) surrounded by the early objects of his political, nay, his hereditary hatred [Mr. Jenkinson sat near Mr. Pitt, Mr. Dundas, &c.], and hear him revile the coalition, I am lost in the astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. If the hon. gentleman under the gallery wishes that a starling were perched upon the right hand of the chair, I tell him, that the wish is just as reasonable to have another starling upon the left hand of the chair, to chirp up coalition against coalition, and so harmonize their mutual disgrace, if disgrace there be.

With the same consistency, an hon. gentleman calls us deserters——us! a few cold and disaffected members fall off, then turn about, and, to palliate their own defection, call the body of the army deserters! We have not deserted; here we

† Mr. Pitt, in the course of his speech, had alluded to the duel between Mr. Fox and Mr. Adam. See Vol. 20, p. 1118.

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are a firm phalanx. Deserted indeed we have been in the moment of disaster; but never dejected, and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting, now call us deserters. We retort the term with just indignation. Yet whilst they presume we have the attributes of men, they would expect us to have the obduracy of savages: they would have our resentments insatiate, our rancour eternal. In our opinion, an oblivion of useless animosity is much more noble; and in that, the conduct of our accusers goes hand in hand with us. But I beg of the House, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships. But there are a set of men, who, from the mere vanity of having consequence as decisive voters, object to all stable government; these men hate to see an administration so fixed, as not to be moveable by their vote. They assume their dignity on the mere negative merit of not accepting places; and in the pride of this self-denial, and the vanity of fancied independence, they object to every system that has a solid basis, because their consequence is unfelt. Of such men I cannot be the panegyrist, and I am sorry that some such men are among the most estimable in this House.

An hon. gentleman advises me for the future not to mention the name of the marquis of Rockingham, who, he says, would never have countenanced a bill of this kind. This is, indeed, imposing hard conditions upon those who have willingly suffered a sort of political martyrdom in the cause of that noble lord's principles; those who surrendered pomp and power, rather than remain where his principles ceased to be fashionable, and were withering into contempt. I venerate the name of that noble marquis, and shall ever mention it with love and reverence; but at no period of my life with more confidence than at this moment, when I say, that his soul speaks in every line of the Bill before you, for his soul speaks in every measure of virtue, wisdom, humane policy, general justice, and national honour. The name of the noble lord who enjoys his fortune, has been mentioned in this debate, and will be mentioned again by me; I will tell the hon. gentleman, that this noble lord (earl Fitzwilliam), though not the issue of his loins, inherits, with his property, the principles of that noble marquis in all their purity and soundness; and is as incapable as that noble marquis himself was, or as any man on earth is, of countenancing any act which either immediately or ultimately tended to the prejudice of his country, or the injury of the constitution. I have had the honour of knowing the noble earl from an early age: I have observed the motives of his actions: I am endeared to him by every tie of kindred sentiment, and of mutual principle. A character more dignified and exalted exists not in the empire; a mind more firmly attached to the constitution of his country: he is, what the nation would desire in the heir of lord Rockingham, the only compensation that we could have for his loss.

An hon. gentleman (Mr. Thomas Pitt) on the other side, has used violent terms against this Bill, and the movers of it. Sir, I tell that hon. gentleman (looking directly in the face of Mr. T. Pitt), that the movers of this Bill are not to be browbeaten by studied gesture, nor frightened by tremulous tones, solemn phrases, or hard epithets. To arguments they are ready to reply; but all the notice they can take of assertions, is to mark to the House, that they are only assertions. The hon. gentleman again repeats his favourite language of our having 'seized upon the government:' his Majesty changed his ministry last April, in consequence of a vote of this House; his Majesty did the same twelve months before, in consequence of a vote of this House. His Majesty, in so doing followed the example of his predecessors; and his successors will, I doubt not, follow the example of his Majesty. The votes of parliament have always decided upon the duration of ministry, and always will, I trust: it is the nature of our constitution; and those who dislike it, had better attempt to alter it. The hon. gentleman called the change in 1782 a glorious one; this in 1783 a disgraceful one. Why? For a very obvious, though a very bad reason. The right hon. gentleman assisted in effecting the first, and strenuously laboured to prevent the second. The first battle he fought with us; the second against us, and we vanquished him. In 1782 his friends were out, and would be in. In 1783 his friends were in, nor would go out. Thus having done without him what we once did with him, the House sees his motive. It is human nature cer



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tainly; but certainly not the better part of human nature. He says he is no party man, and he abhors a systematic opposition. I have always acknowledged myself to be a party man; I have always acted with a party in whose principles I have confidence; and if I had such an opinion of any ministry as the gentleman professes to have of us, I would pursue their overthrow by a systematic opposition. I have done so more than once; and I think that, in succeeding, I saved my country. Once the right hon. gentleman, as I have said, was with me; and then our conduct was fair, manly, constitutional, and honourable. The next time he was against me, and our conduct was violent and unconstitutional, it was treasonable; and yet the means were in both instances the same, the means were the votes of this House.

A game of a two-fold quality is playing by the other side of the House upon this occasion, to which I hope the House and the kingdom will attend. They are endeavouring to injure us through two channels at the same time, through a certain great quarter, and through the people. They are attempting to alarm the first, by asserting that this Bill increases the influence of the ministry against the crown; and rousing the people, under an idea that it increases the influence of the crown against them. That they will fail in both, I doubt not. In the great quarter I trust they are well understood, and the princely mind of that high person is a security against their devices: they are running swiftly to take off whatever little imposition might have been put upon any part, even of the multitude: and I wish to rescue the character of the public understanding from the contemptuous implication, that it is capable of being gulled by such artifices. I feel for my country's honour when I say, that Englishmen, free themselves, and fond of giving freedom to others, disdain these stratagems, and are equally above the silliness of crediting the revilers of this act, as above the baseness of confederating or making common cause with those who would support a system which has dishonoured this country, and which keeps thirty millions of the human race in wretchedness. I make allowances for the hair-brained headstrong delusions of folly and ignorance, and the effects of design: to such evils every measure is liable, and every man must expect a portion of the consequence. But for the serious and grave determinations of the public judgment I have the highest value; I ever had, and ever shall have. If it be a weakness, I confess it, that to lose the good opinion of even the meanest man, gives me some pain: and whatever triumph my enemies can derive from such a frame of mind, they are welcome to. I do not, after the example of the hon. gentleman who began this debate, hold the opinion of constituents in disparagement: the clear and decided opinion of the more reasonable and respectable should, in my mind, weigh with the member upon the same principle that, I think, with the voice of the nation should prevail in this House, and in every other place. But when the representative yields to the constituent, it should indeed be by the majority of the reasonable and respectable; and not, as we shall see in a day or two, some of the honestest men in England voting against the most popular tax ever introduced into this House, in direct opposition to their own conviction, and not upon the opinion of either the more respectable or reasonable class of their constituents.

My noble friend (lord John Cavendish), with his characteristic spirit, has said, that we never sought power by cabal or intrigue, or under-hand operations; and this he said in reply to an hon. gentleman, (Mr. T. Pitt) whose conduct demonstrates that he thinks those the surest path for his friends. This Bill, as a ground of contention, is farcical: this Bill, if it admitted it, would be combated upon its intrinsic qualities, and not by abusing the coalition, or raising a clamour about influence. But why do not the gentlemen speak out fairly, as we do; and then let the world judge between us? Our love and loyalty to the sovereign are as ardent and firm as their own. Yet the broad basis of public character, upon which we received, is the principle by which we hope to retain this power; convinced as we are that the surest road to the favour of the Prince, is by serving him with zeal and fidelity; that the safest path to popularity, is by reducing the burthen, and restoring the glory of the nation. Let those [looking at Mr. Jenkinson] who aim at office by other means, by inscrutable and mysterious methods, speak out; or, if they will not, let the world know it is because their arts will not bear examination, and that their safety consists in their obscurity. Our principles are well known; and I should prefer to perish with them, rather than prosper with any other.

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The hon. gentleman under the gallery (Mr. Martin) also says, he dislikes systematic opposition. Whether perpetually rising up with peevish, capricious objections to every thing proposed by us, deserve that name or not, I leave the gentleman himself to determine, and the House to reflect upon that kind of conduct which condemns the theory of its own constant practice; but I meet the gentleman directly upon the principle of the term. He dislikes systematic opposition; now, I like it. A systematic opposition to a dangerous government is, in my opinion, a noble employment for the brightest faculties; and if the honourable gentleman thinks our administration a bad one, he is right to contribute to its downfall. Opposition is natural in such a political system as ours; it has subsisted in all such governments; and perhaps it is necessary. But to those who oppose it, it is extremely essential that their manner of conducting it should not incur a suspicion of their motives. If they appear to oppose from disappointment, from mortification, from pique, from whim, the people will be against them. If they oppose from public principle, from love of their country rather than hatred to administration, from evident conviction of the badness of measures, and a full persuasion that in their resistance to men, they are aiming at the public welfare, the people will be with them. We opposed upon these principles, and the people were with us; if we are opposed upon other principles, they will not be against us. Much labour has been employed to infuse a prejudice upon the present subject; and I have the satisfaction to believe, that the labour has been fruitless; making, however, a reasonable exception for the mistakes of the uninformed, the first impressions of novelty, and the natural result of deliberate malice. We desire to be tried by the test of this Bill, and risk our character upon the issue; confiding thoroughly in the good sense, the justice, and the spirit of Englishmen. Not lofty sounds, nor selected epithets, nor passionate declamation in this House, nor all the sordid efforts of interested men out of this House —of men whose acts in the East have branded the British name, and whose ill-gotten opulence is working through a thousand channels to delude and debauch the public understanding —can fasten odium upon this measure, or draw down obloquy upon the authors of it. We have been tried in the cause of the public; and until we desert that cause, we are assured of public confidence and protection.

The hon. gentleman (Mr. Powys) has supposed for me a soliloquy, and has put into my mouth some things which I do not think are likely to be attributed to me: he insinuates that I was incited by avarice, or ambition, or party spirit. I have failings in common with every human being, beside my own peculiar faults: but of avarice I have, indeed, held myself guiltless. My abuse has been, for many years, even the profession of several people; it was their traffic, their livelihood; yet until this moment I knew not that avarice was in the catalogue of the sins imputed to me. Ambition I confess I have, but not ambition upon a narrow bottom, or built upon paltry principles. If, from the devotion of my life to political objects, if, from the direction of my industry to the attainment of some knowledge of the constitution, and the true interests of the British empire, the ambition of taking no mean part in those acts that elevate nations and make a people happy be criminal, that ambition I acknowledge. And as to party spirit—that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world. That I am one of a party, a party never known to sacrifice the interests, or barter the liberties of the nation for mercenary purposes, for personal emolument or honours; a party linked together upon principles which comprehend whatever is dear and most precious to free men, and essential to a free constitution, is my pride and my boast.

The hon. gentleman has made one assertion, which it is my pride to confirm: he says that I am connected with a number of the first families in the country. Yes, Sir, I have a peculiar glory that a body of men, renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake, hereditary fortunes, and hereditary honours, deem me worthy of their confidence. With such men I am something—without them, nothing. My reliance is upon their good opinion; and in that respect, perhaps, I am fortunate. Although I have a just confidence in my own integrity, yet as I am but man, perhaps it is well that I have no choice but between my own eternal disgrace and a faithful discharge of my public duty; whilst these kind of men are

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overseers of my conduct, whilst men, whose uprightness of heart and spotless honour are even proverbial in the country, [looking at lord John Cavendish] are the vigils of my deeds, it is a pledge to the public for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons. They have so much at stake, that if the country falls, they fall with it; and to countenance any thing against its interest, would be a suicide upon themselves: the good opinion and protection of these men is a security to the nation for my behaviour; because, if I lose them, I lose my all.

Having said so much upon the extraneous subjects introduced by the hon. gentleman into the debate, I shall proceed to make some observations upon the business in question. When the learned gentleman brought in his Bill last year, the House saw its frightful features with just horror; but a very good method was adopted to soften the terrors of the extravagant power that Bill vested in the governor-general. The name of a noble lord (Cornwallis) was sent forth at the same time, whose great character lent a grace to a proposition, which, destitute of such an advantage, could not be listened to for one moment. Now, Sir, observe how differently we have acted upon the same occasion. Earl Fitzwilliam has been spoken of here this day, in those terms of admiration with which his name is always mentioned. Take notice, however, that we did not avail ourselves of the fame of his virtue and abilities in passing this Bill through the House. If such a thing were to have taken place as the institution of an Indian secretaryship (according to the suggestions of some gentlemen) this noble lord would certainly have been the very person whom, for my part, I should have advised his Majesty to invest with that office. Yet, although his erect mind and spotless honour would have held forth to the public the fullest confidence of a faithful execution of its duties, the objections in regard to influence upon a removeable officer, are tenfold in comparison with the present scheme. The House must now see, that with all the benefits we might derive from that noble lord's character—that although his name would have imparted a sanctity, an ornament, and an honour to the Bill, we ushered it in without that ceremony, to stand or fall by its own intrinsic merits; neither shielding it under the reputation, nor gracing it under the mantle, of any man's virtue. Our merit will be more in this, when the names of those are known whom we mean to propose to this House, to execute this commission. [Name them, said Mr. Arden, across the House.] I will not—I will not name them; the Bill shall stand or fall by its own merits, without aid or injury from their character. An hon. gentleman has said, that these commissioners will be made up of our 'adherents and creatures.' Sir, there is nothing more easy than to use disparaging terms; yet I should have thought the name of earl Fitzwilliam would have given a fair presumption that the colleagues we shall recommend to this House for the co-execution of this business with that noble lord, will not be of a description to merit these unhandsome epithets. I assure the hon. gentleman they are not. I assure him they are not men whose faculties of corrupting, or whose corruptibility, will give any alarm to this House, or to the country: they are men whose private and public characters stand high and untainted; who are not likely to countenance depredation, or participate the spoils of rapacity. They are not men to screen delinquency, or to pollute the service by disgraceful appointments. Would such men as earl Fitzwilliam suffer unbecoming appointments to be made? Is earl Fitzwilliam a man likely to do the dirty work of a minister? If they, for instance, were to nominate a Paul Benfield to go to India in the supreme council, would earl Fitzwilliam subscribe to his appointment? This is the benefit of having a commission of high honour, chary of reputation, noble and pure in their sentiments, superior to the little jobs and traffic of political intrigue.

But this Bill, Sir, presumes not upon the probity of the men; it looks to the future possibility of dissimilar successors, and to the morality of the present commissioners, who are merely human, and therefore not incapable of alteration. Under all the caution of this Bill, with the responsibility it imposes, I will take upon me to say, that if the aggregate body of this board determined to use all its power for the purpose of corruption, this House, and the people at large, would have less to dread from them, in the way of influence, than from a few Asiatics who will probably be displaced in consequence of this arrangement, some of whom will

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return to this country with a million, some with seven hundred thousand, some with five, beside the three or four hundred thousand of others, who are cut off in their career by the hand of fate. An inundation of such wealth is far more dangerous than any influence that is likely to spring from a plan of government so constituted as the one proposed; whether the operation of such a mass of wealth be considered in its probable effects upon the principles of the members of this House, or the manners of the people at large; more especially when a reflection that orientalists are in general the most exemplary class of people in their morals, and in their deportment the most moderate, and corresponding with the distinction of their high birth and family, furnishes a very reasonable presumption, that the expenditure of their money will be much about as honourable as its acquirement.

I shall now, Sir, conclude my speech with a few words upon the opinion of the right hon. gentleman (Mr. W. Pitt.) He says, he will stake his character upon the danger of this Bill. I meet him in his own phrase, and oppose him, character to character; I risk my all upon the excellence of this Bill; I risk upon it whatever is most dear to me, whatever men most value, the character of integrity, of talents, of honour, of present reputation and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure; and have no fear in saying (whatever may be the fate of its authors) that this Bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations. Mr. Fox then recapitulated the heads of his speech, and sat down.

Mr. *Arden* made a short reply, declaring he looked on the Bill to be neither more nor less than a bargain between the right hon. Secretary and his noble colleague. The noble lord and he had agreed, that the Secretary should have the direction of the East India patronage for the first five or seven years, and the noble lord for ever after.

At half past four in the morning the House divided on the question, That the Speaker do leave the chair:

Tellers.

| | | |
|---|---|---|
| Yeas | Mr. Eden - - - - - | 217 |
| | Mr. Sheridan - - - - | |
| Noes | Lord Mahon - - - - - | 103 |
| | Mr. Arden - - - - - | |

So it was resolved in the affirmative. The House then went into the committee; in which it was agreed to report progress, and ask leave to sit again.

END OF VOL. XXIII.

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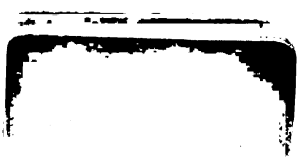

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